

Great Britain
883. i. 18. 15 Lc

THE
STATUTES
CONCERNING
ELECTIONS
OF
MEMBERS

To Serve in the
HOUSE OF COMMONS:
CONTAINING

A Collection of all the Acts of Parliament
now in Force which relate thereto.

A NEW EDITION,
Continued down to the present Year.

L O N D O N :

Printed by *Thomas Baskett*, Printer to the King's
most Excellent Majesty; and by the Assigns of
Robert Baskett. 1747.

THE
STATUTES
CONCERNING
ELECTIONS
OF
MEMBERS



A Collection of all the Acts of Parliament
now in force which relate to
ELECTIONS
Continued down to the present Time

LONDON:
Printed by J. Smith, in Strand, near St. Dunstons Church.
1794.

T H E

P R E F A C E.

TH E Time appointed by Law for the calling of a new Parliament drawing near, it is hoped the following Collection of all the Statutes now in Force concerning such Elections will not be unacceptable to the Publick; in which the very Words of the several Acts are printed at large.

Indeed only the enacting Parts of such Statutes are here set down, and that so far as relateth immedi-

A 2

17

ately

The *P R E F A C E*.

ately to Elections; but this was done designedly, to reduce the whole into a narrow Compass. So that the Reader hath here a complete yet compendious View of all the Acts made for the regulating Elections, and preventing Abuses therein, digested under the proper Heads, of the Duties and Qualifications of *the Electors*, the Persons *elected*, and the *Returning Officers*; wherein the exact chronological Order, according to the different Times in which they were made, is every where carefully preserved. By this Means the Reader is not only freed from the Trouble which must necessarily attend the turning over the Statute Books, in order to acquaint himself fully with the Laws concerning Elections, but also may do it at a very small Expence.

And

The *P R E F A C E*.

And although this Method could not be pursued without some Repetitions, yet we hope they are such as will appear to the judicious Reader to have been absolutely necessary, in order to preserve the regular Method used throughout this Collection.

The Acts relating to the Calling or Frequency of Parliaments, or to the Privileges of Members, either as to their Persons, or with regard to Suits in Law, are entirely omitted, as not falling under the Design of this Book. But where any thing in former Statutes hath been repealed by subsequent Acts, as particularly the Oaths to be taken by the several Members; or where it was necessary to add a few Words to preserve the Connexion, this is always done in a different Letter from that in which the Statutes themselves are printed.

The *P R E F A C E*.

The Summary Notes in the Margin may serve to explain and illustrate the Text; and the alphabetical Index will direct the Reader to turn readily to any Case concerning Elections, in which he may desire Information.

T H E

THE
LAW
OF
ELECTIONS.

Of the Electors.

Magna Charta.

9 H. III.—Confirmed 28 Ed. I. ch. 9.

THE City of *London* shall have [England.]
all the old Liberties and Customs which it hath been used
to have. Moreover, We Will
and Grant, that all other Cities, Boroughs,
Towns, and the Barons of the Five Ports,
and all other Ports, shall have all their Liberties and free Customs.

A 4

Stat.

Of the Electors.

Stat. 34 Ed. I. ch. 1.

No Tallage or Aid shall be taken or levied by Us or Our Heirs in Our Realm, without the Good-will and Assent of Archbishops, Bishops, Earls, Barons, Knights, Burgeffes, and other Freemen of the Land.

Chap. 4.

We Will and Grant for Us and Our Heirs, That all Clerks and Laymen of Our Land shall have their Laws, Liberties, and free Customs, as largely and wholly, as they have used to have the same, at any Time when they had them best; and if any Statutes have been made by Us or Our Ancestors, or any Customs brought in contrary to them, or any Manner of Article contained in this present Charter, We Will and Grant, that such Manner of Statutes and Customs shall be void and frustrate for evermore.

Stat. 7 H. IV. ch. 15.

Electors to attend to elect Knights of the Shires on Pro-

Ordained, &c. That from henceforth (in order to the Elections of Knights of the Counties for the Parliament) **at the next**

Of the Electors.

3

next County to be holden after the Delivery of the Writ of the Parliament, Proclamation shall be made in the full County of the Day and Place of the Parliament, and that all they that be there present, as well Suitors duly summoned for the same Cause, as other, shall attend to the Election of Knights for the Parliament, and then in the full County they shall proceed to the Election fairly and indifferently, notwithstanding any Request or Commandment to the contrary.

England.

clamation to be made at the next County Court, after the Delivery of the Writ to the Sheriff, and to proceed to the Election freely.

And after that they be chosen, the Names of the Persons so chosen (be they present or absent) shall be written in an Indenture, under the Seals of all them that did choose them, and tacked to the same Writ of Parliament; which Indenture so sealed and tacked, shall be holden for the Sheriff's Return of the said Writ, touching the Knights of the Shire.

Electors after the Election, to seal an Indenture containing the Names of the Persons chosen, which annexed to the Writ, to be the Sheriff's Return.

Stat. 1 H. V. ch. 1.

That the Knights and Esquires, and other which shall be Choosers of Knights of the Shires, be resident within the same Shires, the Day of the Date of the Writ of Summons of Parliament.

Electors of Knights of the Shires to be resident in the same Shires, at the Date of the Writ.

Not attended to in practice.

Of the Electors.

Stat. 8 H. VI. ch. 7.

Electors of
Knights of the
Shire to be
such as reside
within the
same County,
and having
Lands or Te-
nements of
40 s. a Year
Estate above
all Charges.

An Indenture
to be made
between the
Electors and
Sheriffs, shall
be the Return.
None to elect
that cannot
expend 40 s.
by the Year.

Provided, &c. That the Knights of the Shires to be chosen within the Realm of England, to come to the Parliaments of our Lord the King hereafter to be holden, shall be chosen in every County of the Realm of England, by People dwelling and resident in the same Counties, whereof every One of them shall have Land or Tenement to the Value of 40 s. by the Year at the least, above all Charges; and shall be returned by Indentures sealed betwixt the said Sheriffs and the said Choosers so to be made.

He which cannot expend Forty Shillings by the Year, as aforesaid, shall in no wise be Chooser of the Knights for the Parliament.

Stat. 10 H. VI. ch. 2.

Electors of
Knights of the
Shires shall be
such as reside
within the
same, each
having Free-
hold of 40 s. a
Year at least,
above all
Charges, in the
Counties they
elect for.

Ordained, &c. That the Knights of all Counties within the Realm (of England) to be chosen to come to Parliaments hereafter to be holden, shall be chosen in every County by People dwelling and resident in the same, whereof every Man shall have Freehold to the Value of 40 s. by the Year at the least, above all Charges, with-
in

Of the Electors.

in the same County where any such
 Chooser shall meddle of any such
 Election. England.

Stat. 23 *H. VI.* ch. 15.

Ordained, &c. That every Sheriff, after the Delivery of any Writ (of Election) to him made, shall make and deliver without Fraud a sufficient Precept under his Seal to every Mayor and Bailiff, &c. of the Cities and Boroughs within his County, commanding them by his Precept, if it be a City, to choose by Citizens of the same City, Citizens; and in the same Manner and Form if it be a Borough, by the Burgeses of the same, to come to the Parliament.

Citizens and Burgeses within Cities and Boroughs, to elect Citizens and Burgeses of the same, and the Sheriff to direct his Precept accordingly.

Stat. 27 *H. VIII.* ch. 26.

Enacted, &c. That the Dominion of *Wales* shall be, stand, and continue for ever from henceforth incorporated, united, and annexed to and with the Realm of *England*; and that all and singular Person and Persons, *born and to be born*, in the said Principality, Country, or Dominion of *Wales*, shall have, enjoy, and inherit *all and singular Freedoms, Liberties, Rights, Privileges, and Laws,*

England.

within this Realm, and other the King's Dominions, as other the King's Subjects naturally born within the same, have, enjoy, and inherit.

The County of *Monmouth* to elect Two Knights, and the Borough of *Monmouth* One Burges, in like Manner as other Shires and Boroughs of *England*.

For all Parliaments to be holden and kept for this Realm, Two Knights shall be chosen and elected to the same Parliament for the Shire of *Monmouth*, (heretofore Part of *Wales*) and One Burges for the Borough of *Monmouth*, in like Manner, Form, and Order, as Knights and Burgeses be elected and chosen in all other Shires of this Realm of *England*.

Each County in *Wales*, and each Shire-town of each County (except the Shire-town of *Merioneth*) to elect One Knight, and One Burges in like Manner.

And that One Knight shall be chosen and elected to the same Parliaments for every of the Shires of *Brecknock*, *Radnor*, *Montgomery*, and *Denbigh*, and for every other Shire within the said Country or Dominion of *Wales*, and for every Borough being a Shire-town within the said Country or Dominion of *Wales* (except the Shire-town of the County of *Merioneth*) One Burges, and the Election to be in like Manner, Form, and Order, as Knights and Burgeses of the Parliament be elected and chosen in other Shires of this Realm.

Of the Electors.

7

England.

Stat. 34 & 35 H. VIII. ch. 13.

Enacted, &c. That the County Palatine of Chester shall have Two Knights for the said County Palatine, and likewise Two Citizens to be Burgeses for the City of Chester; the same Election to be made under like Manner and Form, to all Intents, Constructions, and Purposes, as is used within the County Palatine of Lancaster, or any other County and City within this Realm of England.

The County Palatine of Chester to elect Two Knights, and the City of Chester Two Citizens, Burgeses in like Manner.

Stat. 35 H. VIII. ch. 11.

Enacted, &c. That the Burgeses of all and every Cities, Boroughs, and Towns (in the Twelve Shires within Wales and County of Monmouth, not finding Burgeses for the Parliament themselves, and contributory to Wages of Burgeses of such Shire-towns) shall be lawfully admonished by Proclamation, or otherwise, by the Mayors, Bailiffs, or other Head Officers of the said Towns, or by One of them, to come and give their Elections for the electing of the said Burgeses, at such Time and Place, lawful and reasonable, as shall be assigned for the same Intent

Electors of Burgeses for the 12 Shire-towns in Wales, and of Monmouth, to be as well of Burgeses of all Cities, Boroughs, &c. in those Counties, as of Burgeses of those Towns themselves, summoned to such Elections by the Mayors, Bailiffs, &c. of the said Shire-towns.

England.

Intent by the said Mayors, Bailiffs, and other Head Officers of the said Shire-towns, or by One of them, in which Elections the Burgeses shall have the like Voice and Authority to elect, name, and choose the Burgeses of every the said Shire-towns, like, and in such Manner, as the Burgeses of the said Shire-towns have and use.

Stat. 25 C. II. ch. 9.

The County Palatine of Durham to elect Two Knights, and the City of Durham Two Citizens, Burgeses, by Majority of Freeholders of the County present, and like Majority of the Mayor, Aldermen, and Freemen of the City present.

Enacted, &c. That the County Palatine of Durham, may have Two Knights for the same County, and the City of Durham Two Citizens to be Burgeses for the same City, for ever hereafter to serve in the High Court of Parliament, the same Election from time to time to be made in Manner and Form following (that is to say) The Elections of the Knights to serve for the said County Palatine, from time to time, to be made by the greater Number of the Freeholders of the said County Palatine of Durham, which from time to time shall be present at such Elections, accordingly as is used in other Counties of this Kingdom, and that the Election of the said Burgeses from time to time, to

Of the Electors.

9

England.

to serve in the High Court of Parliament for the City of Durham, to be made, from time to time, by the major Part of the Mayor, Aldermen, and Freemen of the said City of Durham, which from time to time shall be present at such Election.

Stat. 1 *W. & M.* Sess. 2. ch. 2.

[The Claim of Rights.]

That the Election of Members of Parliament ought to be free.

Enacted accordingly.

Stat. 2 *W. & M.* ch. 7.

Enacted, &c. That all Nominations or Recommendations (claimed as of Right by the Lord Wardens of the Cinque-ports to each of the said Cinque-ports, Two ancient Towns, and their respective Members, of One Person whom the Electors ought to elect as a Baron or Member of Parliament for such respective Port, ancient Town, or Member) were and are contrary to the Laws and Constitutions of this Realm, and for the future shall be so deemed and construed,

The Nomination to Electors of One of the Barons of each Cinque-port, the Two ancient Towns and their Members (claimed by the Lord Warden) contrary to Law, and void.

England.

constituted, and hereby are declared to have been, and are void to all Intents and Purposes whatsoever; any Pretence to the contrary notwithstanding.

Stat. 5 W. & M. ch. 20.

No Collector, Supervisor, Gauger, or other Officer, or Person whatsoever concerned or employed in the charging, collecting, levying, or managing the Duties of Excise, or any Branch or Part thereof, shall, by Word, Message, or Writing, or in any other Manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving, his Vote for the Choice of any Person to be a Knight of the Shire, Citizen, Burgess, or Baron of any County, City, Borough, or Cinque-port; and every Officer or other Person offending therein, shall forfeit the Sum of One hundred Pounds; One Moiety thereof to the Informer, the other to the Poor of the Parish where such Offence shall be committed, to be recovered by any Person that shall sue, by Action of Debt, Bill, Complaint, or Information, in any of Their Majesties Courts of Record at Westminster, in which no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person convicted on such Suit shall be for ever after incapacitated

Of the Electors.

II

incapacitated to bear any Office or Place of Trust under the Crown. England.

Stat. 7 & 8 W. III. ch. 25.

Enacted, &c. That upon every Election to be made of any Knight or Knights of the Shire (in case a Poll shall be required) every Freeholder, before he is admitted to poll at the same Election, shall, if required by the Candidates, or any of them, first take the Oath (in this Act contained, repealed by 10 Ann. c. 23. and in case any Freeholder, or any other Person taking the said Oath, shall thereby commit wilful and corrupt Perjury, and be thereof convicted, he and they shall for every such Offence incur the like Pains and Penalties, as are in and by One Act of Parliament made in the Fifth Year of the Reign of the late Queen Elizabeth, enacted, against all such who shall commit wilful Perjury contrary to the said Act.

Freeholder to be sworn before admitted to poll, if so required by any Candidate.

Freeholders, or others committing Perjury, and convicted, for every Offence forfeit 20 l. have Half a Year's Imprisonment, and be incapacitated to take an Oath, till such Judgment reversed; and for want of 20 l. to have their Ears nailed to the Pillory, per Stat. 5 Eliz. cap. 9.

No Person or Persons shall be allowed to have any Vote in Election of Members to serve in Parliament for or by reason of any Trust-Estate, or Mortgage, unless such Trustee or Mortgagee be in actual Possession or Receipt of the Rents and Profits of the

Trustees and Mortgagees not to be Electors, unless in Possession, or Receipt of the Rents of the Estate, but the Mortgagor, or Person to whose Use the Trust is.

England.

Conveyances
of Houses,
Lands, &c.
in Parcels to
several Per-
sons, to multi-
ply Votes, de-
clared void,
and no more
than One Vote
to be admitted
for One Tene-
ment.

*Donation Hadamors
see the Donation
case in 1. Dougl.
326. & the Hadamors
case in 2. Dougl.
326.*

None to be an
Elector under
the Age of 21
Years.

the same Estate, but that the Mort-
gagor, or Cestui que trust in Possession,
shall and may vote for the same Estate,
notwithstanding such Mortgage or
Trust; and that all Conveyances of
any Messuages, Lands, Tenements,
or Hereditaments in any County, Ci-
ty, Borough, Town-corporate, Port,
or Place, in order to multiply Voi-
ces, or to split and divide the In-
terest in any Houses or Lands among
several Persons, to enable them to
vote at Elections of Members to serve
in Parliament, are hereby declared
to be void and of none Effect; and
that no more than One single Voice
shall be admitted for One and the
same House or Tenement.

No Person whatsoever, being un-
der the Age of Twenty one Years,
shall at any Time hereafter be admit-
ted to give his Voice for Election of
any Member or Members to serve in
Parliament.

Stat. 7 & 8 W. III. ch. 27.

Electors refus-
ing to take the
Oaths of Alle-
giance and Su-
premacy, or,
being Quakers,
to subscribe the
Declaration of

No Person, who shall refuse to take
the Oaths (of Allegiance and Supremacy,
which see in the Appendix) directed by
an Act made in the First Year of the
Reign of His present Majesty and the
late Queen Mary, or, being Quakers,
shall

Of the Electors.

13

England.

shall refuse to subscribe the Declaration of Fidelity directed by One other Act of Parliament, made in the said First Year of the Reign of His present Majesty and the late Queen (which see also in the Appendix) (to be administered on the Poll by the Sheriff or Chief Officer, at the Request of any Candidate) shall be admitted to give any Vote, for the Election of any Knight of the Shire, Citizen, Burgeſs, or Baron of the Cinque-ports, to ſerve in Parliament.

Fidelity, (to be administered by the Sheriff or Chief Officer on the Poll at any Election, at the Request of any Candidate) not to be admitted to vote.

Stat. 12 & 13 W. III. ch. 10.

No Commissioner, Collector, Comptroller, Searcher, or other Officer or Person concerned or employed in the charging, collecting, or levying, or managing the Customs, or any Branch or Part thereof, shall by Word, Message, or Writing, or in any other Manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving, his Vote for the Choice of any Person, to be a Knight of the Shire, Citizen, Burgeſs, or Baron of any County, City, Borough, or Cinque-port; and every Officer or other Person offending therein, shall forfeit the Sum of 100 l. one Moiety to the Informer, the other Moiety to the Poor of the Parish where such Offence shall be committed, to

Of the Electors.

be recovered by any Person that shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster; in which no Essoin, Protection, or Wager of Law, or more than One Imparance, shall be allowed; and every Person convicted on any such Suit shall be incapable ever to bear any Office or Place of Trust under the Crown.

Stat. 5 Annæ, ch. 8.

[The Union Act.]

Gr. Britain.

Forty five shall be the Number of the Representatives of Scotland in the House of Commons of the Parliament of Great Britain.

Enacted accordingly.

Of the Forty five Representatives for Scotland, the Shires to choose Thirty, and the Royal Burghs Fifteen. One for every Shire, except Bute and Caithness, which are to choose One by Turns, Bute to have the first Election.

Of the said Forty five Representatives of Scotland in the House of Commons of the Parliament of Great Britain, Thirty shall be chosen by the Shires, and Fifteen by the Royal Burghs (as follows, viz.) One for every Shire and Stewartry, excepting the Shires of Bute and Caithness, which shall choose One by Turns, Bute having the first Election; the Shires of Nairn and

Of the Electors.

15

and Cromarty, which shall also choose by Turns, Nairn having the first Election; and in like Manner the Shires of Clackmannan and Kinross shall choose by Turns, Clackmannan having the first Election; and in case of the Death or legal Incapacity of any of the said Members, from the respective Shires or Stewartries above-mentioned to sit in the House of Commons, the Shire or Stewartry who elected the said Member shall elect another Member in his Place; and that the said Fifteen Representatives for the Royal Burghs shall be chosen as follows, viz. That the Town of Edinburgh shall have Right to elect and send One Member to the Parliament of Great Britain, and that each of the other Burghs shall elect a Commissioner in the same Manner as usual to elect Commissioners to the Parliament of Scotland, which Commissioners and Burghs (Edinburgh excepted) being divided into Fourteen Classes or Districts, shall meet at such Time and Burghs within their respective Districts, as Her Majesty, her Heirs, or Successors, shall appoint, and elect One for each District, (viz.) the Burghs of Kirkwall, Week, Dornock, Dingwall, and Tain,

Gr. Britain:

*Nairn and Cromarty the like.
Clackmannan and Kinross the like.*

In case of Death or legal Incapacity of any Member for a Shire, Election to be made by the Shire that chose last.

Of the Fifteen Representatives for the Royal Burghs, Edinburgh to choose One.

Each of the other Burghs to elect a Commissioner as usual to the Parliament of Scotland.

Such Commissioners & Burghs divided into 14 Districts, to meet at such Time and Burghs within their respective Districts, as the Queen, &c. shall appoint, and choose One for each District.

Kirkwall, Week, Dornock, Dingwall, & Tain, One.

B 3

One;

Gr. Britain.

Fortrose, In-
verness, Nairn,
& Forreßs, One.

Elgin, Cul-
len, Bamff, In-
verury, & Kin-
tore, —One.

Aberdeen, In-
verbervy, Mont-
rose, Aberbro-
thock, & Bro-
chine, —One

Forfar,
Perth, Dundee,
Coupar, & St.
Andrews, One.

Craill, Kil-
renny, Anstru-
ther Easter,
Anstruther

Wester, & Pit-
tenweem, One.
Dysart, Kir-
kaldie, King-

horn, & Brunt-
island, —One.
Innerkithen,
Dunfermline,

Queensferry,
Culross, & Ster-
ling, —One.
Glasgow, Ren-
frew, Ruglen,

& Dumbarton,
—One.
Haddington,
Dunbar,

North-Ber-
wick, Lauder, & Jedburgh, —One.
Selkirk, Peebles, Linlithgow, & Lanerk, —One.

Dumfries, Sanquhar, Annan, Lockmaben, & Kirkcudbright, —One.
Wigtoun, New Galloway, Stranraver, & Whitehern, —One.
Air, Irwin, Rothesay, Cambletoun, & Inverary, —One.

One ; the Burghs of Fortrose, Inver-
ness, Nairn, and Forreßs, One ; the
Burghs of Elgin, Cullen, Bamff, Inve-
rury, and Kintore, One ; the Burghs
of Aberdeen, Inverbervy, Montrose, A-
berbrothock, and Brochine, One ; the
Burghs of Forfar, Perth, Dundee, Cou-
par, and St. Andrews, One ; the
Burghs of Craill, Kilrenny, Anstruther
Easter, Anstruther Wester, and Pitten-
weem, One ; the Burghs of Dysart, Kir-
kaldie, Kinghorn, and Bruntisland, One ;
the Burghs of Innerkithen, Dunferm-
line, Queensferry, Culross, and Sterling,
One ; the Burghs of Glasgow, Ren-
frew, Ruglen, and Dumbarton, One ;
the Burghs of Haddington, Dunbar,
North-Berwick, Lauder and Jedburgh, One ;
the Burghs of Selkirk, Peebles, Linlith-
gow, and Lanerk, One ; the Burghs
of Dumfries, Sanquhar, Annan, Lock-
maben, and Kirkcudbright, One ; the
Burghs of Wigtoun, New Galloway,
Stranraver, and Whitehern, One ; and the
Burghs of Air, Irwin, Rothesay, Cam-
bletoun, and Inverary One. And that

where

where the Votes of the Commissioners for the said Burghs, met to choose Representatives from their several Districts to the Parliament of Great Britain, shall be equal, in that Case the President of the Meeting shall have a casting or decisive Vote, and that by and attour his Vote as a Commissioner from the Burgh from which he is sent; the Commissioner from the eldest Burgh presiding in the First Meeting, and the Commissioners from the other Burghs in their respective Districts presiding afterwards by Turns in the Order as the said Burghs (used to be) called in the Rolls of the Parliament of Scotland; and that in case any of the said Fifteen Commissioners from Burghs shall decease, or become legally incapable to sit in the House of Commons, then the Town of Edinburgh, or the District which chose the said Member, shall elect a Member in his or their Place.

Gr. Britain.

If the Votes of the Commissioners for Burghs are equal, the President of the Meeting to have the casting Vote. The Commissioner of the eldest Burgh to preside first, the others in their respective Districts by Turns.

Like Election in case of Death or legal Incapacity of Members for Burghs as Shires, &c.

That none shall be capable to elect (a Representative for any Shire or Burgh of Scotland) unless Twenty one Years of Age complete, and Protestant, excluding all Papists, or such who being suspect of Popery, and required, refuse to swear and subscribe the Formula, contained in the Third Act

None capable to elect under Twenty one Years of Age, nor unless Protestant. A Papist, and such as refuse the Formula, excluded.

Gr. Britain.

Like Incapacity on all, not at this Time capable by the Laws of *Scotland*.

made in the Eighth and Ninth Sessions of King William's Parliament (in *Scotland*, which see in the Appendix) nor shall he be capable to elect (a Representative to) a Shire or Burgh in the Parliament of Great Britain (for *Scotland*) except such as (were at the Time of passing this Act) capable by the Laws of (Scotland) to elect as Commissioners for Shires or Burghs to the Parliament of Scotland.

Enacted accordingly.

Stat. 6 *Annæ*, ch. 6.

Freeholders of *Scotland* to meet at the Head Burghs of the Shires on Notice of the Time of the Election, to be given them by the Sheriff, and proceed to elect their Knights to be returned by their Clerks to the Sheriff.

Enacted, &c. That when any Parliament shall at any Time hereafter be summoned or called (on Notice to be forthwith given after Receipt of the Writs by the Sheriff or Stewart, of the Time of Election for Knights of the Shire or Commissioners for *Scotland*) at such Time of Election the several Freeholders in the respective Shires and Stewartries shall meet and convene at the Head Burghs of their several Shires and Stewartries, and proceed to the Election of their respective Commissioners or Knights for the Shire or Stewartry; and the Clerks of the said Meetings shall respectively return the Names of the Persons elected to the

Of the Electors.

19

the Sheriff or Stewart of the Shire or Stewartry (on a Precept in like Manner to be directed by the Sheriffs of *Edinburgh* to the Lord Provost of that City) and on Receipt of such Precept, the City of *Edinburgh* shall elect their Member, and their common Clerk shall certify his Name to the Sheriff of *Edinburgh*.

On Precepts in like Manner to be directed by the Sheriffs or Stewarts of the several Shires or Stewartries, where the other Fourteen Districts of Royal Burghs respectively are, reciting the Contents and Date of the Writ, and commanding them to elect each of them a Commissioner, as they used formerly to elect Commissioners to the Parliament of *Scotland*, and to order the respective Commissioners to meet at the presiding Borough of their respective District (naming it) on the Thirtieth Day after the Teste of the Writ, unless *Sunday*, and then the next Day after, and then to choose their Burgeſſes for the Parliament: The common Clerk of the then presiding Borough shall, immediately after the Election, return the Name of the Person so elected to the Sheriff or Stewart of the Shire or Stewartry wherein such presiding Borough is. And in case a Vacancy shall happen in Time of Parliament, by the Decease or legal Incapacity of any Member, a new

Gr. Britain.

City of *Edinburgh*, on Precept from their Sheriff to their Provost, to elect their Member, and their common Clerk to make the Return in like Manner.

Royal Burghs on like Precepts reciting the Date and Contents of the Writ, to elect their Commissioners as usual to the Parliament of *Scotland*; and each Commissioner of each Burgh in each District to meet at the presiding Borough of such District, the 30th Day after the Date of the Writ, unless *Sunday*, and then *Monday*, and then to choose their Burgeſſes, and their common Clerk forthwith to make the Return in like Manner. Like Method of electing in case of Vacan-

Member

Gr. Britain.
 {
 ey in Parlia-
 ment time by
 Decease, or
 Incapacity of
 a Member, and
 if for a Burgh,
 the presiding
 Burgh at the
 last to preside
 at the new E-
 lection.

Member shall be elected in his Room, conformable to the Method herein before appointed; and in case such Vacancy be of a Representative for any One of the said Fourteen Classes, or Districts of Royal Boroughs, that Borough, which presided at the Election of the deceased or disabled Member, shall be the presiding Borough at such new Election.

Stat. 6 *Annæ*, ch. 23.

Electors of
 Members of
 Parliament in
Great Britain,
 or of Commis-
 sioners for
 choosing Bur-
 gesses in *Scot-*
land, refusing
 to take the Ab-
 juration Oath,
 (or if *Quakers*,
 the Effect, up-
 on Affirmation)
 to be admini-
 stered by the
 Sherriff, Presi-
 dent of the
 Meeting, &c.
 at the Request
 of any Candi-
 date, or other,
 incapable to
 vote.

Enacted, &c. That every Person who shall refuse to take the Oath (of Abjuration, which see in Appendix) or being a Quaker, shall refuse to declare the Effect thereof, upon his solemn Affirmation, as directed by an Act of Parliament made in the Seventh Year of the Reign of His late Majesty King William (the Form whereof see also in the Appendix) to be administered by the Sheriff, President of the Meeting, or Chief Officer taking the Poll at any Election of Members to serve in the House of Commons for any Place in *Great Britain*, or Commissioners for choosing Burgesses in any Place in *Scotland*, at the Request of any Candidate, or other Person present, shall not be capable of giving any Vote for the Election of any such Member to serve in the House of Com-
 mons

Of the Electors.

21

mons for any Place in Great Britain, or ^{Gr. Britain.}
Commissioners to choose a Burgeses
for any Place in Scotland.

Stat. 9 *Annæ*, ch. 5.

Enacted, That every Person (ex- <sup>Candidates to
be sworn to
their Estates,
if required by
Two Electors.</sup>
cept the eldest Son or Heir apparent of a
Peer, or of a Person qualified by this Act to
serve as Knight of a Shire, or such as shall
be elected for each of the Universities of
England) shall, upon Request, at the
Time of Election, or before the Day
to be prefixed in the Writ of Sum-
mons for the Meeting of (any subsequent)
Parliament, by any Two or more
Persons having a Right to vote at
such Elections, take a Corporal Oath
in the Form (in this Act contained, which
see in the Appendix.)

The respective Oaths aforesaid <sup>The Oaths to
be administ-
ered by the She-
riff or other
Officer by
whom the
Poll is to be
taken, or Re-
turn made, or
Two or more
Justices of the
Peace.</sup>
shall be administered by the Sheriff or
Under-sheriff for any County, or
by the Mayor, Bailiff, or other Offi-
cer or Officers for any City, Bo-
rough, &c. to whom it shall appertain
to take the Poll, or make the Return
at such Election, or by any Two Just-
ices of the Peace within *England*, &c.
and if any of the said Candidates <sup>The Election
and Return of
Candidates re-
fusing to take
the Oaths, void.</sup>
shall wilfully refuse to take the Oath,
the Election and Return of such Can-
didate and Person shall be void.

Stat.

Gr. Britain.

Stat. 10 *Annæ*, ch. 23.

Collusive Estates made to qualify Electors for Knights of the Shire made absolute, and all Bonds, &c. for restoring the same, void.

The Maker, Advser, and Voter, forfeit 40 *l.* each, with full Costs, &c. to any that will sue for the same, &c.

Enacted, That all Estates and Conveyances made to any Persons, in any collusive Manner, to qualify them to give their Votes at Elections of Knights of the Shire (subject to Conditions to determine or re-convey such Estate) shall be taken against those Persons who executed the same, as free and absolute, and be holden by all such Persons to whom such Conveyance shall be made, freely acquitted from all Manner of Trusts, Clauses of Re-entry, &c. between the said Parties; and all Bonds, Covenants, &c. for the restoring thereof, shall be null and void; and every Person, who shall make and execute such Conveyances, or being privy to such Purpose, shall devise or prepare the same, or any Person who, by Colour thereof, shall give any Vote at any Election of Knights of a Shire, shall forfeit Forty Pounds, to any that will sue for the same, to be recovered with full Costs of Suit, by Action of Debt, &c. in any of Her Majesty's Courts at Westminster, wherein no Essoin, &c. or more than One Imparllance shall be allowed.

After May 1, 1712, no Person shall vote for the electing of a Knight of a Shire

Shire in England, in Right of any Lands which have not been assessed to the publick Taxes, Church Rates, and Parish Duties, in such Proportion as other Lands of 40 s. per Annum, in the Parish where the same shall be, and for which such Person shall not have received the Rents, or be intitled so to do, to the Value of 40 s. or more, to his own Use, for One Year before such Election, unless it come by Descent, Marriage, Devise, or Presentation to some Benefice, &c. and voting contrary to the true Intent hereof, shall forfeit 40 l. One Society to the Poor where the Lands lie, the other to the Person suing for the same. Rep. by 18 Geo. II. c. 18.

Gr. Britain.

None, after May 1, 1712, shall vote in Right of Lands not assessed to the Taxes, &c. in Proportion to other Lands of 40 s. per An. in the same Parish, and for which he shall not be intitled to 40 s. Rent before the Election, unless come by Descent, &c. Voting otherwise, forfeits 40 l.

The Act (7 W. III.) as to so much only as concerns the Oath (to be administered to Freeholders) shall be, and is hereby repealed.

And upon every Election to be made of a Knight of a Shire within England, every Freeholder, before he is admitted to poll, shall, if required by the Candidates, or any of them, or any other Person having a Right to vote, first take the Oath (in this Act contained, which see in the Appendix) which Oath the Sheriff, &c. is to administer; and such or any other Person

Freeholder to be sworn before admitted to poll, if required by any Candidate or Voter.

Gr. Britain.

son being convicted of wilful Perjury, or suborning any Freeholder, &c. to commit such Perjury, he shall incur the Penalties in the Act 5 Elizabeth, for punishing Perjury*.

Quakers capacitated to vote during the Act 7 W. III. and their Affirmation to the Effect of the Oaths, according to the said Act, to be accepted instead thereof by the Sheriff, &c.

And if any Quaker during the Continuance of an Act (7 W. III.) intituled, An Act that the solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath in the usual Form, shall upon such Election, if required by the Candidates, or any of them, declare the Effect of the said Oath upon his solemn Affirmation, in such Manner and Form as is directed by the said Act, every such Quaker shall be capable, and admitted to give his Vote for the Election of any such Member within England; and every Sheriff, &c. is hereby authorized and required to accept such Affirmation instead of the said Oath. And in case any such Quaker shall be convicted wilfully, falsely, and corruptly to have

* Freeholder, or other Person, convicted of Perjury for every Offence, to forfeit 20l. suffer Half a Year's Imprisonment, incapacitated to take an Oath, till such Judgment be reversed, and for want of 20l. to have his Ears nailed to the Pillory, per Stat. 5 Eliz. c. 9.

Convicted of Surboration of Perjury, for every Offence forfeits 40l. and incapacitated; and for want of 40l. to stand in the Pillory an Hour, by the same Statute.

affirmed

Of the Electors.

25

affirmed or declared any Matter or Thing, which, if the same had been in the usual Form, would have amounted to wilful and corrupt Perjury; every such Quaker, so offending, shall incur the same Penalties and Forfeitures, as are herein before enacted against Persons convicted of wilful and corrupt Perjury.

Gr. Britain.

Quaker convicted of affirming what would have been Perjury by the usual Form, to incur the same Penalties as others, per Stat. 5 Eliz. as above.

1. Stat. 12 Annæ, ch. 5.

Enacted, That the aforesaid Act (10 Annæ) shall not extend to restrain any Person from voting in right of any Rents, Tithes, or other incorporeal Inheritances, or any Messuages or Lands in Extra-parochial Places, or any Chambers in the Inns of Court, or Inns of Chancery, or any Messuages or Seats belonging to any Offices, or in right of any other Messuages or Lands that have not been usually charged and assessed to all and every the publick Taxes, Church Rates, and Parish Duties; provided such Messuages or Lands have been usually charged or assessed to some One or more of the said publick Taxes, Rates, or Duties, in such Proportion as other Messuages or Lands of Forty Shillings per Annum,

Persons capacitated to vote in right of Rents, Tithes, and other incorporeal Inheritances, and in right of any Messuages or Lands not usually charged to all, but one or more of the publick Taxes, Rates, &c.

Gr. Britain.

num, within the same Parish or Township where the same shall lie, are usually charged.

1. Stat. 12 *Annæ*, ch. 6.

No Conveyance or Right after this Parliament, whereon Infeoffment is not taken, and Seisin registered a Year before the Teste of the Writs, shall intitle the Person to vote in any Shire or Stewartry in Scotland.

The like as to Infeoffment not taken a Year before the Date of a Warrant for a new Writ during the Continuance of a Parliament. Any Elector present, suspecting Persons to have Estates in Trust, may require the *Præses* of the Meeting to swear such to their Estates.

Enacted, That from and after the Determination of this present Parliament, no Conveyance or Right whatsoever, whereupon Infeoffment is not taken, and Seisin registered, One Year before the Teste of the Writs for calling a new Parliament, shall, upon Objection made in that Behalf, intitle the Person or Persons, so infeofft, to vote at that Election, in any Shire or Stewartry in that Part of Great Britain called Scotland; and in case any Election happen during the Continuance of a Parliament, no Conveyance or Right whatsoever, whereupon Infeoffment is not taken One Year before the Date of the Warrant for making out a new Writ for such Election, shall, upon Objection made in that Behalf, intitle the Person or Persons so infeofft to vote at that Election; and that it shall be lawful for any of the Electors present, suspecting any Person or Persons to have his or their Estates in Trust, and for the Behoof of another,

Of the Electors.

27

ther, to require the Præses of the Meeting to tender the Oath (in this Act contained. *Rep. by 7 G. II. ch. 16.*) to any Elector; and the said Præses is hereby impowered and required to administer the same.

Gr. Britain.

In case such Elector refuse to swear, and also to subscribe the said Oath, such Person or Persons shall not be capable of voting at such Election.

Elector refusing to swear and subscribe, incapable to vote.

Notwithstanding such Oath taken, it shall be lawful to make such other Objections as are allowed by the Laws of Scotland against such Electors.

Other Objections allowed by the Laws of Scotland, lawful.

No Infeoffment taken upon any redeemable Right (except proper Wadsetts, Adjudications, or Appraisings, allowed by the Act of Parliament relating to Elections in One thousand six hundred eighty one) shall intitle the Persons so infeofft, to vote at any Election in any Shire or Stewartry: And no Person or Persons, who have not been enrolled, and voted at former Elections, shall upon any Pretence whatsoever be enrolled or admitted to vote at any Election, except he or they first produce a sufficient Right or Title to qualify him or them to vote at that Election, to the Satisfaction of the Freeholders formerly enrolled, or the Majority of them

No Infeoffment (except proper Wadsetts, &c. allowed *per Act*, 1681) shall intitle the Person to vote.

None not enrolled, and voted at former Elections, shall be enrolled or admitted to vote, without producing a sufficient Qualification.

Gr. Britain.

Persons elected by a Majority of the Freeholders enrolled, to be returned.

Rights of Heirs Apparent in voting by their Predecessors Infeoffments, Husbands by their Wives, reserved.

Any Conveyance or Right by the Laws of Scotland, sufficient to qualify a Voter in Elections for Shires or Stewartries, whereon Infeoffment taken before June 1, 1713. a Qualification for future voting generally.

Husbands not to vote by their Wives Infeoffments, who are not Heiresses, nor have Right to the Property of the Lands for which such Vote claimed.

them present ; and the returning Officers are hereby ordained to make their Returns of the Persons elected by the Majority of the Freeholders enrolled, and those admitted by them, reserving always the Liberty of objecting against the Persons admitted to, or excluded from the Roll, as formerly. In part rep. by 16 G. II. c. 11.

The Right of Apparent Heirs in voting at Elections by Virtue of their Predecessors Infeoffments, and of Husbands by Virtue of their Wives Infeoffments, reserved.

Any Conveyance or Right, which by the Laws of Scotland is sufficient to qualify any Person to vote in the Elections of Members of Parliament for Shires or Stewartries, and whereupon Infeoffment is taken on or before the First Day of June, in the Year of our Lord, One thousand seven hundred and thirteen, shall intitle the Person or Persons so infeofft, to vote at the Elections of Members to serve in the next ensuing Parliament.

No Husband shall vote at any ensuing Election by Virtue of their Wives Infeoffments, who are not Heiresses, or have not Right to the Property of the Lands, on account whereof such Vote shall be claimed.

Stat.

Of the Electors.

29

Gr. Britain.

Stat. 2 G. II. ch. 24.

Enacted, &c. That from and after the Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and twenty nine, upon every Election of any Member or Members to serve for the Commons in Parliament, every Freeholder, Citizen, Freeman, Burgeſs, or Perſon having or claiming to have a Right to vote, or be polled at ſuch Election, ſhall, before he is admitted to poll at the ſame Election, take the Oath (in this Act contained, which ſee in the Appendix) (or, being one of the People called Quakers, ſhall make the ſolemn Affirmation appointed for Quakers) in caſe the ſame ſhall be demanded by either of the Candidates, or any Two of the Electors.

Electors of
Parliament
Men to take
the following
Oath, if de-
manded.

Enacted, &c. That ſuch Votes ſhall be deemed to be legal, which have been ſo declared by the laſt Determination in the Houſe of Commons; which laſt Determination concerning any County, Shire, City, Borough, Cinque-port, or Place, ſhall be final to all Intents and Purpoſes whatſoever,

What Votes
ſhall be deem-
ed legal.

Gr. Britain.

Persons con-
victed of Per-
jury never ca-
pable to vote.

Persons taking
Money or Re-
ward for their
Vote, &c. for-
feit 500 *l.* and
disabled to vote
in any Elec-
tion.

soever, any Usage to the contrary not-
withstanding.

Enacted, &c. That no Person con-
victed of wilful and corrupt Perjury,
or Subornation of Perjury, shall, af-
ter such Conviction, be capable of
voting in any Election of any Mem-
ber or Members to serve in Parlia-
ment.

Enacted, &c. That if any Person,
who hath, or claimeth to have, or here-
after shall have, or claim to have,
any Right to vote in any such Elec-
tion, shall, from and after the said
Twenty fourth Day of June, which
shall be in the Year of our Lord, One
thousand seven hundred and twenty
nine, ask, receive, or take any Ho-
ney, or other Reward, by way of
Gift, Loan, or other Device, or a-
gree or contract for any Money, Gift,
Office, Imployment, or other Re-
ward whatsoever, to give his Vote,
or to refuse or forbear to give his
Vote, in any such Election; or if any
Person by himself, or any Person
implored by him, doth or shall, by
any Gift or Reward, or by any Pro-
mise, Agreement, or Security for a-
ny Gift or Reward, corrupt or pro-
cure any Person or Persons to give
his or their Vote or Votes, or to for-
bear

Of the Electors.

31

Gr. Britain.

bear to give his or their Vote or Votes in any such Election; such Person, so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Five hundred Pounds of lawful Money of Great Britain, to be recovered as before directed, together with full Costs of Suit; and every Person offending in any of the Cases aforesaid, from and after Judgement obtained against him in any such Action of Debt, Bill, Plaint, or Information, or summary Action, or Prosecution, or being any otherwise lawfully convicted thereof, shall for ever be disabled to vote in any Election of any Member or Members to Parliament, and also shall for ever be disabled to hold, exercise, or enjoy any Office or Franchise, to which he and they then shall, or at any Time afterwards may be intitled, as a Member of any City, Borough, Town-corporate, or Cinque-port, as if such Person was naturally dead.

Enacted, &c. That if any Person offending against this Act shall, within the Space of Twelve Months next after such Election as aforesaid, discover any other Person or Persons offending against this Act, so that

Offenders in 12 Months after the Election discovering others, indemnified.

Gr. Britain.

such Person or Persons so discovered be thereupon convicted, such Person so discovering, and not having been before that Time convicted of any Offence against this Act, shall be indemnified and discharged from all Penalties and Disabilities, which he shall then have incurred by any Offence against this Act.

Stat. 7 G. II. ch. 16.

Freeholders,
on Request, to
subscribe the
following
Oath, instead
of that appoint-
ed by the Act
12 *Annæ*.

Enacted, That every Freeholder who shall claim to vote at any Election of a Member to serve in Parliament for any Lands or Estate in any County or Stewartry in Scotland, or who shall have Right to vote in adjusting the Rolls of Freeholders, instead of the Oath appointed to be taken by an Act made in the Twelfth Year of Her late Majesty Queen Anne, intituled, An Act for the better regulating Elections of Members to serve in Parliament for that Part of *Great Britain* called *Scotland*, shall, upon the Request of any Freeholder formerly enrolled, before he proceed to vote in the Choice of a Member, or on adjusting the Rolls, take and subscribe, upon a Roll of Parchment to be provided and kept by the Sheriff or Stewart Clerk

Of the Electors.

33

Clerk for that Purpose, the Oath Gr. Britain.
(mentioned in the Act; see the Appendix) which the Præses or Clerk to the Meeting, either for the Enrollment or Election, is impowered and required to administer.

And in case he shall refuse, if required, to take and subscribe the Oath, his Vote shall not be admitted or allowed, and his Name shall forthwith be erased out of the Roll of Freeholders; and in case any Person shall presume wilfully and falsely to swear and subscribe the said Oath, and shall be thereof lawfully convicted, he shall incur the Pains and Punishment of Perjury, and be prosecuted for the same according to the Laws and Forms in Use in Scotland.

In case of Refusal, Vote not to be admitted,

and Name erased out of the Roll.

Penalty on-falsely swearing or subscribing.

The several Sheriffs and Stewarts in Scotland shall, within the Space of Four Days after the Writ shall come to their Hand, issue their Precepts to the several Boroughs within their Jurisdiction to elect their Delegates, and shall cause the same to be delivered to the Chief Magistrate of such Borough residing in the Borough for the time being; and such Chief Magistrate, to whom such Precept shall be delivered, shall, within Two Days

Sheriffs, 4 Days after Receipt of the Writs, to issue Precepts for choosing Delegates.

Gr. Britain.

And Chief
Magistrate 2
Days after to
summon the
Council of the
Borough.
Council to ap-
point a Day for
electing Dele-
gates.

Days after his Receipt of the same, call and summon the Council of the Borough together, by giving Notice Personally, or leaving Notice at the Dwelling-place of every Counsellor then resident in such Borough, which Council shall then appoint a peremptory Day for the Election of the Delegate; but Two free Days shall intervene betwixt the Meeting of the Council which appoints the Day of Election of the Delegate, and the Day on which the Election of the Delegate is to be made.

100*l*. Penalty
on every Coun-
cillor or Magi-
strate separat-
ing from the
Majority at the
annual Elec-
tion for Bo-
roughs.

To prevent double Elections of Magistrates in Boroughs, which frequently occasion double Commissions to Delegates, be it enacted, That at the annual Election of Magistrates and Counsellors for Boroughs, no Magistrate or Counsellors, or any Number of Magistrates or Counsellors shall take upon him or them to separate from the Majority of the Magistrates and Counsellors, who have been such for the Year preceding, and to appoint or elect separate Magistrates or Counsellors; but shall submit to the Election made, and to the Magistrates and Counsellors elected and appointed, by the Majority of the Town Council assembled; and

Of the Electors.

35

Gr. Britain.

and if, contrary to the Direction of this Act, any Number of Magistrates or Counsellors shall, in Opposition to the Majority, take upon them to make a distinct and separate Election of Magistrates or Counsellors, their Act and Election shall be ipso facto void, and every Magistrate or Counsellor, who concurred therein, shall forfeit and lose the Sum of One hundred Pounds Sterling, to be recovered by the Magistrates and Counsellors, from whom they separated, in Manner herein after directed.

Provided, That it shall be lawful for any Magistrate or Counsellor of the Borough, who apprehends any Wrong was done at any annual Election, to bring his Action before the Court of Session in Scotland, for rectifying such Abuse, or for making void the whole Election (if illegal) only within the Space of Eight Weeks after such Election is over; and the Lords of Session shall, and they are hereby expressly authorized and required, to hear and determine the Cause summarily, and to allow to the Party that shall prevail their full Costs of Suit.

Every Penalty by this Act imposed, with Respect to the Recovery of which

Magistrates or Counsellors of Boroughs may bring their Action in 8 Weeks after the Election.

Penalties how to be recovered.

no

Gr. Britain.

no particular Provision is herein before made, shall, and may be sued for, and recovered by way of summary Complaint, before the Court of Session in Scotland, upon Fifteen Days Notice to the Person complained of, without abiding the Course of any Roll; which said Complaint the Court of Session is hereby authorized and required to determine with all convenient Speed.

Freeholders, if required, to take the Oaths, at the Election, of a Clerk, &c.

Every Freeholder in Scotland shall, before he be either enrolled or admitted to vote at any future Election, or Meeting for Enrollment in any Question for the Choice of Clerk or Præses, or other Question whatsoever (if required by any Freeholder present) be obliged to take and subscribe the Oaths appointed by Law to be taken by Electors or Members to serve in Parliament, when required so to do; which Oath the Præses or Clerk of the Meeting is hereby impowered and required to administer.

Method of presiding at Elections.

And whereas there have been some Mistakes in the District of the Boroughs of Wigtoun, Whitehern, New Galloway, and Stranraver, in relation to their presiding at Elections of Members of Parliament for that District, it is enacted, That the Boroughs

Of the Electors.

37

Gr. Britain.

toughs continue to preside in the Course they are now in, and that the Borough of Wigtoun shall preside at the Election of a Member to represent that District in the next Parliament, and that the other Boroughs of the District preside afterwards in the Method prescribed by the Act of Parliament of Scotland, made in the Fourth Session of the First Parliament of Queen Anne, intituled, An Act for settling the Manner of electing the Sixteen Peers, and Forty five Commoners, to represent Scotland in the Parliament of *Great Britain*.

Stat. 8 G. II. ch. 30.

When and as often as any Election of any Peer or Peers to represent the Peers of Scotland in Parliament, or of any Member or Members to serve in Parliament, shall be appointed to be made; the Secretary at War for the time being, or in case there shall be no Secretary at War, then such Person who shall officiate in the Place of the Secretary at War, is required, at some convenient Time before the Day appointed for such Election, to issue and send forth proper Orders in Writing for the Removal of every Regiment, Troop, or Company, or other Number of Soldiers, as shall be quartered or billeted in any such

On Notice of Election of a Peer for Scotland, or Member of Parliament,

the Secretary at War, or Person acting as such,

Gr. Britain.

to send proper
Orders in
Writing for
removing Sol-
diers 2 Miles
from the Place
of Election,

such City, Borough, Town, or Place, where such Election shall be appointed to be made, out of every such City, Borough, Town, or Place, One Day at the least before the Day appointed for such Election, to the Distance of Two or more Miles from such City, Borough, Town, or Place, and not to make any nearer Approach to such City, Borough, Town, or Place, as aforesaid, until One Day at the least after the Poll to be taken at such Election shall be ended, and the Poll Books closed.

In case the Secretary at War for the time being, or such Person who shall officiate in the Place of the Secretary at War, shall neglect or omit to issue or send forth such Orders, as aforesaid, according to the true Intent and Meaning of this Act, and shall be thereof lawfully convicted upon any Indictment to be preferred at the next Assizes, or Sessions of Oyer and Terminer, to be held for the County where such Offence shall be committed, or on an Information to be exhibited in the Court of King's Bench within Six Months after such Offence committed, such Secretary at War, or Person who shall officiate in the Place of the Secretary at War, shall for such Offence be discharged

charged from their said respective Offices, and shall from thenceforth be utterly disabled, and made incapable to hold any Office or Imployment, Civil or Military, in His Majesty's Service.

Gr. Britain.

on Penalty of forfeiting his Office, &c.

Provided, That nothing in this Act contained shall extend, or be construed to extend, to the City and Liberty of Westminster, or the Borough of Southwark, for and in respect of the Guards of His Majesty, His Heirs, or Successors, nor to any City, Borough, Town, or Place, where His Majesty, His Heirs, or Successors, or any of His Royal Family, shall happen to be or reside at the Time of any such Election, as aforesaid, for or in respect of such Number of Troops or Soldiers only as shall be attendant as Guards to His Majesty, His Heirs, or Successors, or to such other Person of the Royal Family, as is aforesaid; nor to any Castle, Fort, or fortified Place, where any Garrison is usually kept, for or in respect of such Number of Troops or Soldiers only, whereof such Garrison is composed.

Not to extend to Westminster, or other Place of Residence of the Royal Family, &c.

or fortified Places;

Provided likewise, That nothing in this Act contained shall extend, or be construed to extend, to any Officer

or any Officer having a Right to vote at such Election.

or

Gr. Britain.

or Soldier who shall have a Right to vote at any such Election, as aforesaid, but that every such Officer and Soldier may freely, and without Interruption, attend and give his Vote at such Election; any thing herein before contained to the contrary thereof notwithstanding.

The Secretary
at War, &c.
not liable to
the Forfeiture,

Provided always, That the Secretary at War, or in case there shall be no Secretary at War, then such Person who shall officiate in the Place of the Secretary at War shall not be liable to any Forfeiture or Incapacity for not sending such Order as aforesaid, upon any Election to be made of a Member to serve in Parliament, on a Vacancy of any Seat there, unless Notice of the making out any new Writ for such Election shall be given to him by the Clerk of the Crown in Chancery, or other Officer making out any new Writ for such Election; which Notice he is hereby directed and required to give, with all convenient Speed after making out the said Writ.

unless Notice
of the Writ be
given by the
Clerk of the
Crown.

Stat. 9 G. II. ch. 38.

No Person shall be made liable to any Incapacity, Disability, Forfeiture

Of the Electors.

41

ture, or Penalty by the Act 2 G. II. ch. 24. Gr. Britain.
 laid or imposed, unless such Person No Person lia-
 has been or shall be actually and le- ble to any Pe-
 gally arrested, summoned, or other- nalty by the
 wise served with an original or other Act, 2 G. II.
 Writ or Process, within the Space of ch. 24. un-
 Two Years after any Offence against less personally
 the said Act has been or shall be com- served with the
 mitted, so as the Service of any Process in Two
 such original or other Writ or Pro- Years after the
 cess hath not been, or shall not be, Fact.
 prevented by such Person absconding,
 or withdrawing out of this Kingdom.

Stat. 13 G. II. ch. 20.

From and after the Twenty fifth
 Day of March, One thousand seven
 hundred and forty, the Provisions
 contained in the Act 10 Ann. ch. 23. for
 preventing fraudulent Conveyances,
 in order to multiply Votes for elect-
 ing Knights for Shires, and in the
 Act made in the next Sessions of Par-
 liament, Stat. 12 Ann. sess. 1. ch. 5. shall
 be extended, and construed to extend,
 to such Lands or Tenements, for or
 in respect of which any Person shall
 vote for the Election of any Member
 to serve in Parliament for any City
 or Town, wherein Persons have a
 Right to vote for electing Members
 in

Gr. Britain.

Persons voting
as Freeholder,
not having an
Estate 1 Year
before Elec-
tion, subject to
the Penalties
and Forfeit-
ures 10 *Annæ*.

Exception.

in respect of Lands, &c. of the yearly Value of Forty Shillings, being a County of itself, in that Part of Great Britain called England; and if any Person shall vote for the Election of any such Member as a Freeholder, not having such an Estate for One Year before the same Election, and so charged or assessed, as in the said Acts, or One of them, is described, except in Cases therein excepted, every such Person shall be subject to the like Penalties and Forfeitures as are by the said Act made in the Tenth Year of the Reign of Queen Anne imposed on Persons voting for Knights of Shires, not having the Qualifications thereby required. Rep. in part 19 G. II. ch. 28.

Stat. 16 G. II. ch. 11.

Part of the Act
12 *Annæ* re-
pealed.

So much of an Act made in the Twelfth Year of Queen Anne, Stat. 1, ch. 6. intituled, An Act for the better regulating the Elections of Members to serve in Parliament for that Part of *Great Britain* called *Scotland*, as enacts, That no Person or Persons, who have not been enrolled, and voted at former Elections, shall, upon any Pretence whatsoever, be enrolled, or admitted to vote

Of the Electors.

43

Gr. Britain.

vote at any Election, except he or they first produce a sufficient Right or Title to qualify him or them to vote at that Election, to the Satisfaction of the Freeholders formerly enrolled, or the Majority of them present, and ordains the Returning Officers to make their Returns of the Persons elected by the Majority of the Freeholders enrolled, and those admitted by them, reserving always the Liberty of objecting against the Persons admitted to, or excluded from the Roll as formerly; is repealed.

Such Persons as stand upon the Roll last made up by the Freeholders, whether at the Michaelmas Meeting, or at the last Election of a Member to serve in Parliament, shall be the original constituent Members at their next Michaelmas Meeting, or Meeting for Election, to revise the said Roll.

Act made in
Scotland 1681,
strengthened
by this Act.

Provided, That it shall be lawful for any Freeholder standing upon the Roll, to object to the Title of any Person who stands at present upon the Roll last made up, and for that Purpose to apply at any Time before the First Day of December, which shall be in the Year of our Lord One

Privilege of
Freeholders.

D

thou

Gr. Britain.

thousand seven hundred and forty three, by summary Complaint to the Court of Sessions, who shall grant a Warrant for summoning such Persons upon Thirty Days Notice to answer, and shall proceed in a summary Way, to hear and determine upon such Complaint; and if no such Complaint shall be exhibited within the Time aforesaid, then and in that Case no Freeholder, who at present stands upon the Rolls last made up in the said Counties and Stewartries respectively, shall be struck off or left out of the Roll, except upon sufficient Objections arising from the Alteration of that Right or Title, in respect of which he was enrolled, sustained by the other Freeholders standing upon the said Roll.

Manner of acting, when a Person claims to be enrolled.

If at any Michaelmas Meeting, or Meeting for Election, any Person claiming to be enrolled, shall by Judgement of the Freeholders be refused to be admitted, or if any Person who stood upon the Roll shall by like Judgement be struck off, or left out of the Roll; it shall be lawful for him or them who is so refused to be admitted, or whose Name is so struck off, or left out of the Roll, to apply

Of the Electors.

45

Gr. Britain.

(so as such Application be made within Four Calendar Months after their being so refused, struck off, or left out) by summary Complaint to the Court of Session, who shall grant a Warrant for summoning the Person or Persons upon whose Objection or Objections he was refused to be admitted, or was struck off, or left out as aforesaid, upon Thirty Days Notice to answer, and shall proceed to hear and determine in a summary Way on such Complaint; and if any Person shall be enrolled, whose Title shall be thought liable to Objection, it shall be lawful for any Freeholder standing upon the said Roll (whether such Freeholder was present at the Meeting or not) who apprehends that such Person had not a Right to be enrolled, to apply in like Manner by Complaint to the Court of Session, so as such Application be made within Four Calendar Months after such Enrolment; and the said Court, after Service of such Complaint, on Thirty Days Notice, upon the Person said to be wrongfully admitted to the Roll, shall in Manner aforesaid hear and determine; and if no such Complaint shall be exhibited within the Time

If any Freeholder objects, Appeal may be made to the Court of Session.

Gr. Britain.

aforesaid, the Freeholder enrolled shall stand and continue upon the Roll until an Alteration of his Circumstances be allowed by the Freeholders at a subsequent Michaelmas Meeting, or Meeting for Election, as a sufficient Cause for striking or leaving him out of the Roll.

Penalty on Officers not obeying the Court of Session.

If in any of the aforesaid Cases the Judgement of the Court of Session shall alter or reverse the Determination of the Meeting of the Freeholders, by directing that any Person shall be added to, or expunged from, the Roll of Election, the Sheriff or Steward's Clerk shall, upon presenting to him the Extract of such Judgement, forthwith make the Alteration thereby directed in the Books that are kept by him; and in case of his Refusal or Delay, he shall forfeit the Sum of One hundred Pounds Sterling to the Person in whose Favour the Judgement of the Court of Session is given, to be recovered by him or his Executors in the Manner herein after directed.

Penalty on Appellant, if the Court of Session affirm the Freeholders Order.

If the Judgement of the Freeholders refusing to admit, or striking off any Person from the said Roll, shall be affirmed by the Court of Session, the Person so complaining shall forfeit

feit to the Objector the Sum of Thirty Pounds Sterling, with full Costs of Suit.

Gr. Britain.

To prevent all Surprize at the Michaelmas Meetings, every Freeholder who intends to claim to be enrolled at any subsequent Michaelmas Meeting of the Freeholders, shall for the Space of Two Calendar Months at least before the said Michaelmas Meeting, leave with the Sheriff or Steward's Clerk a Copy of his Claim, setting forth the Names of his Lands, and his Titles thereto, and Dates thereof, with the old Extent or Valuation, upon which he desires to be enrolled; and in case of his Neglect to leave his Claim as aforesaid, he shall not be enrolled at such Michaelmas Meeting; and in like Manner, whoever intends to object to any Freeholder who stands upon the Roll, on account of the Alteration of his Circumstances, shall, at least Two Calendar Months before the Michaelmas Meeting, leave his Objections, in Writing, with the Sheriff or Steward's Clerk as aforesaid, who is hereby required, upon Receipt of the aforesaid Claim or Objections, to indorse on the Back there-

Manner of acting to prevent Surprize on Freeholders claiming to be enrolled;

or on making Objections to others already enrolled.

Gr. Britain.

of the Day he received the same, and also to give a Copy of the aforesaid Claim or Objections to any Person who shall demand the same, upon paying the legal Fee of an ordinary Extract of the same Length.

No Division
of the old Ex-
tent of Lands
to multiply
Electors.

No Person is or shall be intitled to vote for a Commissioner to serve in Parliament, for any Shire or Stewartry, in that Part of Great Britain called Scotland, or to be enrolled in the Roll of Electors, in respect of the old Extent of his Lands, holden of the King or Prince, unless such old Extent is proved by a Retour of the Lands, of a Date prior to the Sixteenth Day of September, One thousand six hundred and eighty one; and no Division of the old Extent, made since the aforesaid Sixteenth Day of September, One thousand six hundred and eighty one, or to be made in time coming, by Retour, or any other Way is or shall be sustained as sufficient Evidence of the old Extent.

Provided.

Provided, That Lands holden of the King or Prince, liable in public Burdens for Four hundred Pounds Scots of valued Rent, shall in all Cases be a sufficient Qualification, whatever be the old Extent of the said Lands.

Of the Electors.

49

Lands, any Law or Practice to the contrary notwithstanding.

Gr. Britain.

No Purchaser, or singular Successor, shall be enrolled, till he be publickly infeoff, and his Seisin registered, or Charter of Confirmation be expedite where Confirmation is necessary, One Year before the Enrolment; and no Heir Apparent shall be enrolled, until his Predecessors Titles are produced, and allowed by the Freeholders as a sufficient Qualification for his voting for a Member of Parliament; and any Person may be enrolled, though absent at the Time of such Enrolment, provided the Titles and Vouchers of his Qualification are produced, and laid before the Freeholders.

How a Purchaser shall act before he is enrolled;

also an Heir Apparent.

Persons may send their Vouchers, and be enrolled, though absent.

At the annual Meetings of the Freeholders at Michaelmas, the original constituent Members shall be such Persons only, as shall stand upon the Roll, that shall have been last made up, whether at a Michaelmas Meeting, or at a Meeting for an Election of a Member to serve in Parliament, and a Copy signed and extracted of the Roll made up by the Freeholders at their Michaelmas Meetings, or Meetings for Elections, together with the Minutes of their Proceedings at the

Who are to be original constituent Members.

Gr. Britain.

Minutes of
Proceedings
to be entered
in Books kept
by the Sheriff
or Steward's
Clerk.

Minute-Books
to be produ-
ced at publick
Meetings.

Penalty on
Refusal.

said Meetings, shall, by the respective Clerks of such Meetings, be forthwith delivered to the Sheriff or Steward's Clerk gratis, and shall be inserted in Books to be kept by the said Sheriff or Steward's Clerk for that Purpose, who shall forthwith deliver Copies of the same, extracted and signed, to any Freeholder who shall desire the same, paying the legal fee for an ordinary Extract of the same Length, and shall at every subsequent Meeting at Michaelmas, or Meeting for any Election, produce the said Books, for the Use of the Freeholders; and in case such Sheriff or Steward's Clerk shall neglect or refuse to enter the aforesaid Rolls of Election, or Minutes of Proceedings, into Books so to be kept for that Purpose as aforesaid, or shall neglect or refuse to give Copies thereof, extracted and signed, or shall omit to produce the Books at any subsequent Meeting as aforesaid, he shall for every such Offence forfeit the Sum of One hundred Pounds Sterling, to be recovered by any Freeholder, within such Shire or Stewartry, who shall sue for the same, in such Manner as is hereafter directed; and if the aforesaid principal Books, containing

Of the Electors.

51

Gr. Britain.

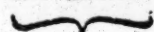
taining the Rolls and Minutes as aforesaid, shall not be produced at the Michaelmas Meetings, or Meetings for Election, a Copy of the said Roll and Minutes, extracted and signed by the Sheriff or Steward's Clerk, shall be sufficient; and if the Sheriff or Steward's Clerk shall give out false Copies of the said Roll or Minutes, extracted and signed by him, he shall for every such Offence forfeit the Sum of One hundred Pounds Sterling to the Person to whom the false Copy is given, to be recovered by him or his Executors, in the Manner herein after directed, and shall be for ever after incapable of holding and enjoying his said Office.

Penalty on giving out false Copies of the Minutes.

At every Election of a Commissioner to serve in Parliament for any Shire or Stewartry, within that Part of Great Britain called Scotland, the Roll of Electors which shall be last made up by Freeholders, whether at the Michaelmas Meeting, or at the last Election of a Member to serve in Parliament, shall be the Roll to be called over by the Commissioner last elected, or in his Absence by the Sheriff or Steward's Clerk, in order to the Election of Præses and Clerk, as also by the Præses, after he is chosen,

The Roll of Electors last made up, shall be used at the next Election.

Gr. Britain.



chosen, for the Choice of the Member to serve in Parliament, and for the Determination of all the Questions that shall arise in the adjusting the Roll, and in the Course of the Election, excepting so far as the said Roll shall, after the Meeting is duly constituted by the Choice of Praelect and Clerk, be altered by Judgement of the Majority of the Freeholders standing on that Roll, by leaving out those whose Circumstances are altered, and by adding others, who produce proper Titles.

Qualification
of Candidates
and Electors.

From and after the First Day of September, which shall be in the Year of our Lord One thousand seven hundred and forty five, no Person shall be capable to be elected Commissioner for the Shire of Sutherland, or shall have Right to vote at such Election, unless he be infeoff, and in Possession, of Lands liable to his Majesty's Supplies, and other publick Burthens, at the Rate of Two hundred Pounds Scots valued Rent.

Candidates
and Electors
to hold their
Lands immediately
from the King or
Prince.

One Person, and no more, shall be intituled to vote at such Elections, or to be elected, in respect of the same Lands; and where Lands are not holden by any Baron, or other Freeholder, immediately of the King or Prince.

Of the Electors.

53

Gr. Britain.

Prince, such Baron or Freeholder shall be capable to be elected, and shall be intitled to vote, for those Lands; and no Vassal, or Sub-vassal, of the said Baron or Freeholder, shall have Right to vote, or to be elected, in respect thereof; and where Lands are now holden, or shall at any Time hereafter be holden, of the King or Prince, by a Peer or other Person, or Body Politick or Corporate, who by Law are disabled to be a Member of the House of Commons, or to vote in such Elections; in such Case the Proprietor and Owner of such Lands, and not any of his Superiors, shall be intitled to vote, or to be elected, in respect of the same Lands; and no Alienation of the Superiority to be made by such Peer, or other Person, or Body Politick, incapable to elect, or to be elected, shall deprive the Proprietor and Owner of the Lands of his Right to vote in the Elections for the said Shire, or his Capacity to be elected; nor intitle the Purchaser of the said Superiority to vote, or to be elected; and the Property of Lands, of the Valuation aforesaid, holden in Part immediately of the King or Prince, and in Part of a Peer, or other Person, or Body Politick, incapable

In what Cases the Proprietors only shall vote.

Lands held Part of the King, and Part of a Peer, &c. shall qualify the Owner to elect or be elected.

Gr. Britain.

When Free-
holders and
Proprietors
shall meet and
make a Roll.

capable to elect, or to be elected, shall be a sufficient Qualification to the Proprietor and Owner of such Lands, and shall intitle such Proprietor to vote, and to be elected for the said Shire; any Law or Usage to the contrary notwithstanding.

The Freeholders and Proprietors, having Right to elect, or to be elected, a Commissioner for the Shire of Sutherland, shall meet at the Head Burrough of the said Shire, at the Michaelmas Head Court, which shall be in the Year of our Lord One thousand Seven hundred and forty five, and shall make up a Roll of the Electors having a Right to vote in the Choice of a Commissioner, in the Terms of this present Act, and of the other Acts of Parliament, made touching the Election of Commissioners for Shires in Scotland; and which Roll, so made up, shall be revised yearly at the Michaelmas Meetings, and at after Elections, according to the Rules prescribed in this Act, and in other Acts made for regulating the Elections of Commissioners for Shires in that Part of Great Britain called Scotland: And it is hereby declared, That the said Acts of Parliament do extend to the Shire of Sutherland as well as to

Of the Electors.

55

the other Shires in Scotland, except in so far as it is otherwise provided by this present Act.

Gr. Britain.

At the annual Election of Magistrates and Counsellors, and in all the Proceedings previous to the Election of the Magistrates and Counsellors for the succeeding Year, it shall not be lawful for the Minority of any Meeting for Election, either of Magistrates or Counsellors, or Deacons, or other Persons, who by the Constitution of the respective Boroughs, may have Votes in the Election of Magistrates or Counsellors, to separate from the Majority of those having Right to act by the Constitution of the Burgh at such Meetings, upon any Pretext whatsoever; nor to make any separate Election of Magistrates, Counsellors, or Electors; but the Minority shall in all Cases submit to the Election made by the Majority in all the Parts of Election; and if any Person elected by the Minority of any such Meeting, shall presume to vote in the Election of Magistrates or Counsellors, or in electing the Magistrates or Counsellors, or in any other Step of the Election; he shall forfeit the Sum of One hundred Pounds Sterling to any One of the Majority of such Meeting.

At annual Elections the Minority shall not separate from the Majority.

Penalty on Offenders.

Gr. Britain.

No Person
elected by the
Minority, shall
have a Right
to act.

Penalty on
acting when so
chosen.

Wrongs done
by the Ma-
jority, may be
redressed by
the Court of
Session.

ing, to be recovered by him in the
Manner hereafter directed.

No Person elected to be a Magistrate
or Counsellor by a Minority of those
having Right to vote in Elections of
the Magistrates and Counsellors, shall
upon any Pretext whatsoever presume
to act as Magistrate or Counsellor;
and if any Person shall notwithstanding
presume to act as Magistrate or
Counsellor, he shall for every such Of-
fence forfeit the Sum of One hundred
Pounds Sterling, to the Magistrates
or Counsellors elected by the Majority,
or to any of them who shall sue for the
same, to be recovered by him or them
in the Manner herein after directed.

Provided, That it shall be lawful
for any constituent Member at any
Meeting for Election of Magistrates
or Counsellors, or of any Meeting
previous to that for the Election of
Magistrates and Counsellors respect-
ively, who shall apprehend any Wrong
to have been done by the Majority of
such Meeting, to apply to the said
Court of Session, by a summary Com-
plaint, for rectifying such Abuse, or
for making void the whole Election
made by the said Majority, or for de-
claring and ascertaining the Election
made by the Minority, so as such
Com-

Of the Electors.

57

Gr. Britain.

Complaint be presented to the said Court of Session within Two Calendar Months after the annual Election of the Magistrates and Counsellors; and the said Court shall thereupon grant a Warrant for summoning the Magistrates and Counsellors elected by the Majority, upon Thirty Days Notice, and shall hear and determine the said Complaint.

It shall be lawful for the Magistrates and Counsellors of the Royal Boroughs in that Part of Great Britain called Scotland, to take and subscribe the Oath of Allegiance, subscribe the Assurance, and take and sign the Oath of Abjuration, before the Council of their respective Boroughs; and which Oaths the Chief Magistrate, or any other Magistrate of the said Boroughs respectively, is hereby impowered and required to administer; and the Oaths so taken, shall be equal in all Respects as if they had been taken in the Courts, and before the Judges, directed by the several Acts of Parliament.

Where the Votes of the Commissioners for the Boroughs meet to choose Representatives from their several Districts to the Parliament of Great Britain, shall be equal; in that Case, the President of the Meeting shall

Manner of
Magistrates
and Counsel-
lors taking the
several Oaths.

Where the
Votes of the
Commission-
ers are equal,
President to
have the cast-
ing Voice.

Gr. Britain.

Who shall act
in Absence of
the presiding
Commissioners.

shall have a casting or decisive Vote and that by and attour his Vote as Commissioner from the Borough from which he is sent : And if the Commissioner from the presiding Borough shall be absent from the Meeting of Commissioners for choosing Burgesse to serve in Parliament, or shall refuse to vote at such Election, the Commissioner from the Borough which was the presiding Borough at the last Election ; and if he also be absent, or shall refuse to vote, as aforesaid, the Commissioner from the Borough which was the presiding Borough at the Election immediately preceding the last ; and in case he shall be likewise absent, or shall refuse to vote as aforesaid, the Commissioner from the Borough which was the last presiding Borough but two, shall have in the aforesaid respective Cases, besides his own Vote, the casting or decisive Vote.

No Objection
against Non-
residents, &c.

It is declared, That it is no Objection to any Commissioner for choosing a Burgesse, that he is not a Residenter within the Borough, bearing all portable Charges with his Neighbours, or that he is no trafficking Merchant therein, or that he is not in Possession of any Burgage Lands or Houses.

Houses holding of the said Borough, and that such Qualifications need not be engrossed in his Commission; any Law, Custom, or Usage to the contrary notwithstanding.

Enacted, That the Electors of Commissioners for any Royal Borough, within that Part of Great Britain called Scotland, for chusing Burgesses to Parliament, are within the true Intent and Meaning of the Act, 2 Geo. II. c. 24. to be considered as Electors of the Member to serve in Parliament, and shall be so deemed and adjudged to all Intents and Purposes whatsoever, and shall be liable to all the Provisions, Forfeitures, and Incapacities, to which Persons voting or claiming to vote for any Member to serve in Parliament are made liable by the said Act.

At every Election of Commissioners for chusing Burgesses for the several Districts of Boroughs in that Part of Great Britain called Scotland, and at the Election of a Burgess to serve in Parliament for the City of Edinburgh, every Magistrate, Town Counsellor, or Person having or claiming to have a Right to vote at such Election, instead of the Oath prescribed to be taken by the said Act, before he is
 E admitted

Gr. Britain.

admitted to vote at the same Election, shall take the Oath (directed by this Act, see the Appendix), in case the same shall be demanded by any One of the Electors; and which Oath any of the Magistrates, or in their Absence any of the Town Council, are hereby empowered and required to administer.

What shall amount to Conviction of Perjury.

If any Person shall presume wilfully and falsely to swear and subscribe any of the Oaths required to be taken by this Act, and shall thereof be lawfully convicted, he shall incur the Pains and Punishments of Perjury, and be prosecuted for the same according to the Laws and Forms in Use in Scotland.

Manner of recovering Penalties.

Every Penalty or Forfeiture by this Act imposed, in that Part of Great Britain called Scotland, shall and may be sued for and recovered by Way of summary Complaint, before the Court of Session, upon Thirty Days Notice to the Person complained of, without abiding the Course of any Roll; which said Complaint the Court of Session is hereby authorized and required to determine; as also to declare the Disabilities and Incapacities, and to direct the Imprisonments, as herein provided.

Of the Electors.

61

Provided, That no Person shall be made liable to any Incapacity, Disability, Forfeiture, or Penalty, by this Act imposed, in that Part of Great Britain called Scotland, unless Prosecution be commenced within One Year after such Incapacity, Disability, Forfeiture, or Penalty, shall be incurred.

Gr. Britain.

Limitation of Actions.

Stat. 18 G. II. ch. 18.

From and after the Twenty fourth Day of June, One thousand seven hundred and forty five, upon every Election to be made within that Part of Great Britain called England, or Dominion of Wales, of any Knight or Knights of the Shire to serve in Parliament, every Freeholder, instead of the Oath or Affirmation prescribed to be taken by an Act of Parliament, made in the Tenth Year of the Reign of Her late Majesty Queen Anne, c. 23. intituled, An Act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to serve in Parliament, before he is admitted to poll at the said Election, shall (if required by the Candidates, or any of them, or any other Person having a Right to

Instead of the Oath by 10 Anne, another is appointed for Freeholders.

Gr. Britain.

By whom to
be admini-
stered.Penalty of Per-
jury, or Subor-
nation, the
same as by
5 Eliz. c. 9and 2 Geo. II.
c. 25.

vote at the said Election) first take the Oath (or being one of the People called Quakers, the solemn Affirmation (directed by this Act. See the Appendix)

Which Oath (or solemn Affirmation) the Sheriff by himself, his Under Sheriff, or such sworn Clerk or Clerks, as shall be by him appointed for the taking of the Poll, is hereby required to administer: And in case any Freeholder, or other Person taking the said Oath or Affirmation hereby appointed, shall thereby commit wilful Perjury, and be thereof convicted; and if any Person do unlawfully and corruptly procure or suborn any Freeholder, or other Person to take the said Oath or Affirmation in order to be polled, whereby he shall commit such wilful Perjury, and shall be thereof convicted; he and they, for every such Offence, shall incur such Pains and Penalties as are in and by Two Acts of Parliament, the one made in the Fifth Year of the Reign of the late Queen Elizabeth, intituled An Act for punishing such Persons as shall procure or commit wilful Perjury, or suborn or procure any Person to commit any wilful or corrupt Perjury; the other made in the Second Year of His present Majesty, intituled, An Act for the more effectual

Of the Electors.

63

effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money, contrary to the said Acts.

Gr. Britain.

So much of the Acts (10 Ann. c. 23. and 12 Ann. st. 1. c. 5.) as disables any Person to vote for Knights of Shires, in Respect or in Right of any Lands or Tenements which have not been charged or assessed as therein mentioned, shall, from and after the said Twenty fourth Day of June, be, and is hereby repealed.

Provided, That from and after the said Twenty fourth Day of June, no Person shall vote for electing of a Knight or Knights of the Shire to serve in Parliament within that Part of Great Britain called England, or the Principality of Wales, in Respect or in Right of any Messuages, Lands, or Tenements, which have not been charged or assessed towards some Aid granted, or hereafter to be granted, to His Majesty, His Heirs, or Successors, by a Land-tax in Great Britain, Twelve Kalendar Months next before such Election.

Qualification
of Electors.

Provided also, That this Act shall not be construed to restrain any Person

Gr. Britain.

Exception for
voting in
Right of
Chambers or
Offices.

Duplicates of
the Land-tax
Assessments to
be kept among
the Records of
the Session ;

to be inspected,

or Copies
taken.

son from voting in any such Election of any Knight or Knights of a Shire within that Part of Great Britain called England, or Principality of Wales in Respect or in Right of any Rents, or any Chambers in the Inns of Court or Inns of Chancery, or any Messuages or Seats belonging to any Offices, in regard or by reason that the same have not been usually charged or assessed to the Aid commonly called The Land-tax. And that the acting Commissioners of the Land-tax for the time being, or any Three or more of them, at their Meetings for the respective Divisions, shall sign and seal One other Duplicate of the Copies of the respective Assessments to be delivered to them by the several Assessors, after all Appeals determined, and the same to be delivered, or cause to be delivered, to the Clerks of the Peace for their respective Counties, to be by them kept amongst the Records of the Sessions, to which all Persons may resort at all seasonable Times, and inspect the same paying Six Pence for such Inspection ; and the said Clerks of the Peace, or their Deputies, are hereby required forthwith to give Copies of the said Duplicates, or any Part thereof

Of the Electors.

65

thereof, to any such Person or Persons who shall require the same, paying after the Rate of Six Pence for every Three hundred Words, and so in Proportion for any greater or lesser Number.

Gr. Britain.

From and after the said Twenty fourth Day of June, One thousand seven hundred and forty five, no Person shall vote in any such Election, without having a Freehold Estate in the County for which he votes, of the clear yearly Value of Forty Shillings, over and above all Rents and Charges payable out of or in respect of the same, or without having been in the actual Possession, or in Receipt of the Rents and Profits thereof, for his own Use, above Twelve Calendar Months, unless the same came to him within the Time aforesaid, by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice in a Church, or by Promotion to an Office, or shall vote in Respect or in Right of any Freehold Estate, which was made or granted to him fraudulently, on purpose to qualify him to give his Vote, or shall vote more than once at the same Election; and if any Person shall vote in any such Election, contrary to the true Intent and Meaning hereof, he shall forfeit,

Further Qualifications of Electors:

on Penalty of 40^s /.

Gr. Britain.

to any Candidate for whom such Vote shall not have been given, and who shall first sue for the same, the Sum of Forty Pounds, to be recovered by him or them, his or their Executors or Administrators, together with full Cost of Suit, by Action of Debt, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Wager of Law, Privilege, or Impar- lance shall be admitted or allowed; and in every such Action, the Proof shall lie on such Person against whom the same was brought; unless the Fact, on which such Action is ground- ed, be the having polled more than once at the same Election.

No Publick
Tax to be
deemed a
Charge on a
Freehold.

No Publick or Parliamentary Tax, County, Church, or Parish Rate or Duty, or any other Tax, Rate, or Assessment whatsoever, to be assessed or levied upon any County, Division, Rape, Lathe,wapentake, Ward, or Hundred, is or shall be deemed or construed to be any Charge payable out of or in respect of any Freehold Estate, within the Mean- ing and Intention of this Act, or of the Oath or solemn Affirmation herein before directed to be administered to,
and

Of the Electors.

67

and taken by every Freeholder, if re- Gr. Britain.
quired, as aforesaid.

It shall be sufficient for the Plain- The Manner
of Proceeding
in case of Of-
fence against
this Act
tiff, in any Action of Debt given by
this Act, to set forth in the Declara-
tion or Bill, that the Defendant is
indebted to him, in the Sum of

and to alledge the particular Offence
for which the Action or Suit is
brought; and that the Defendant
hath acted contrary to this Act; with-
out mentioning the Writ of Sum-
mons to Parliament, or the Return
thereof: and it shall be sufficient in
any Indictment or Information, for
any Offence committed contrary to
this Act, to alledge the particular Of-
fence charged upon the Defendant,
and that the Defendant is guilty
thereof; without mentioning the
Writ of Summons to Parliament,
or the Return thereof: and upon
Trial of any Issue in any such Action,
Suit, Indictment, or Information,
the Plaintiff, Prosecutor, or Infor-
mer, shall not be obliged to prove
the Writ of Summons to Parlia-
ment, or the Return thereof, or any
Warrant or Authority to the Sheriff,
grounded

Gr. Britain.

grounded upon any such Writ of Summons.

Limitation of Actions.

Provided, That every Action, Suit, Indictment, or Information given by this Act, shall be commenced within the Space of Nine Calendar Months after the Fact, upon which the same is grounded, shall have been committed.

Statutes of Jeofails, &c. extended to Proceedings by this Act.

All the Statutes of Jeofails and Amendments of the Law whatsoever, shall extend to all Proceedings in any Action, Suit, Indictment, or Information, given or allowed by this Act, or which shall be brought in pursuance thereof.

Treble Costs.

Provided, That in case the Plaintiff or Informer, in any Action, Suit, Indictment, or Information given by this Act, shall discontinue the same, or be nonsuited, or Judgement be otherwise given against him; then, and in any of the said Cases, the Defendant against whom such Action, Suit, or Information shall have been brought, shall recover his Treble Costs.

Stat. 19 G. II. ch. 28.

Persons demanding to vote for the Election of Members,

From and after the Twenty fourth Day of June, One thousand seven hundred and forty six, every Person demanding

demanding to vote for the Election of any Member to serve in Parliament for any City or Town, being a County of itself, in that Part of Great Britain called England, for and in respect of any Freehold Estate of Forty Shillings a Year, shall, before he is admitted to poll at the said Election (if required by the Candidates, or any of them, or any Person having a Right to vote at the said Election) first take the Oath (or being a Quaker, the solemn Affirmation) directed by the Act; see the Appendix.

if required, to take an Oath.

Which Oath (or solemn Affirmation) the Sheriff or Sheriffs, by him or themselves, or his or their Under Sheriff or Under Sheriffs, or such sworn Clerk or Clerks, as shall be by him or them appointed for the taking of the Poll, is and are hereby required to administer; and in case any Freeholder, or other Person, taking the said Oath or Affirmation hereby appointed, shall thereby commit wilful Perjury, and be thereof convicted; and if any Person do unlawfully and corruptly procure or suborn any Freeholder, or other Person, to take the said Oath or Affirmation, in order to be polled, whereby he shall commit such wilful Perjury,

The Oath, &c. by whom to be administered.

Wilful Perjury, and Subornation of Perjury, to be punished as the Acts of

Gr. Britain.

5 Eliz.

& 2 Geo. II.
direct.Part of the Act
of 13 Geo. II.
repealed.

jury, and shall be thereof convicted; he and they, for every such Offence, shall incur such Pains and Penalties, as are in and by Two Acts of Parliament, the one made in the Fifth Year of the Reign of the late Queen Elizabeth, c. 9. intituled, An Act for Punishment of such Persons as shall procure or commit wilful Perjury; the other made in the Second Year of the Reign of His present Majesty, c. 25. intituled, An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money; directed to be inflicted for Offences committed contrary to the said Acts.

So much of the Act of the Thirteenth Year of the Reign of His present Majesty, c. 20. as extends the Provisions of 10 Ann. c. 23. & 12 Ann. st. 1. c. 5. to such Cities and Towns that are Counties of themselves, as aforesaid, shall, from and after the said Twenty fourth Day of June, One thousand seven hundred and forty six, be, and is hereby repealed.

Provided always, That from and after the said Twenty fourth Day of June, One thousand seven hundred and

Of the Electors.

71

and forty six, no Person shall vote for the electing a Member or Members to serve in Parliament for such City or Town, being a County of itself, as aforesaid, within that Part of Great Britain called England, in Respect or in Right of any Freehold Messuages, Lands, or Tenements, of the yearly Value of Forty Shillings, as aforesaid, which have not been charged or assessed towards some Aid granted, or hereafter to be granted, to his Majesty, his Heirs, or Successors, by a Land-tax in Great Britain, Twelve Calendar Months next before such Election: Provided, That nothing herein contained shall extend, or be construed to restrain any Person from voting in any such Election, for Cities and Towns as are Counties of themselves, as aforesaid, in Respect or in Right of any Rents, or any Messuages or Seats belonging to any Offices, in Regard or by Reason that the same have not been usually charged or assessed to the Aid commonly called The Land-tax; and the acting Commissioners of the Land-tax for the time being, or any Three or more of them, at their Meetings, shall sign and seal one other Duplicate of the Copies of the Assessment

Gr. Britain.

Qualification
of Persons who
shall vote for
Members for
Cities or
Towns, be-
ing Counties.

Exception,

Commissioners
of the Land-
tax to sign
Duplicates of
the Assess-
ments,

Gr. Britain.

to be delivered
to the Clerks
of the Peace,
&c. and filed
amongst the
Records, for
Inspection.

Copies to be
given to Per-
sons paying for
them.

Persons voting,
to have a Free-
hold Estate of
40 s. &c.

Assessment or Assessments to be delivered to them by the Assessors, after all Appeals determined; and the same shall deliver, or cause to be delivered, to the Persons officiating as Clerks of the Peace within the Districts of the said Cities and Towns, being Counties of themselves, as aforesaid respectively, to be by them kept amongst the Records of the Sessions, to which all Persons may resort at all seasonable Times, and inspect the same, paying Six Pence for such Inspection; and the said Persons officiating as Clerks of the Peace, or their Deputies, are hereby required forthwith to give Copies of the said Duplicates, or any Part thereof, to any Person or Persons who shall require the same, paying after the Rate of Six Pence for every Three hundred Words; and so in Proportion for any greater or less Number.

From and after the said Twenty fourth Day of June, One thousand seven hundred and forty six, no Person shall vote in such Election of a Member or Members to serve in Parliament for any City or Town, being a County of itself, and in which Persons have a Right to vote
for

Of the Electors.

72

for such Members, for and in respect of Lands, Tenements, or Hereditaments, of the yearly Value of Forty Shillings, unless such Persons shall have a Freehold Estate in the City and County, or Town and County, for which he votes, of the clear yearly Value of Forty Shillings, over and above all Rents and Charges payable out of or in respect of the same, and shall have been in the actual Possession, or in Receipt of the Rents and Profits thereof for his own Use, above Twelve Kalendar Months, except the same came to him within the Time aforesaid, by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice in a Church, or by Promotion to an Office; and no Person shall vote in Respect or in Right of any Freehold Estate which was made or granted to him fraudulently, on purpose to qualify him to give his Vote, or shall vote more than once at the same Election; and if any Person shall vote in any such Election contrary to the true Intent and Meaning hereof, he shall forfeit to any Candidate for whom such Vote shall not have been given, and who shall first sue for the same, the Sum of Forty

Gr. Britain.

and to be in Possession, above 12 Months.

Exception.

Penalty of fraudulent Qualification, &c.

Gr. Britain.

The Proof
where to lie,
&c.

Taxes not
within the
Meaning of
this Act.

Forty Pounds; to be recovered by him or them, his or their Executors or Administrators, together with full Costs of Suit, by Action of Debt, in any of his Majesty's Courts of Record at Westminster; wherein no Escoin, Protection, Wager of Law, Privilege, or Imparllance, shall be admitted or allowed; and in every such Action the Proof shall lie on such Person against whom the same was brought, unless the Fact on which such Action is grounded, be, the having polled more than once at the same Election.

And be it declared, That no Publick or Parliamentary Tax, Church or Parish Rate or Duty, or any other Tax, Rate, or Assessment whatsoever, to be assessed or levied within such Cities or Towns, being Counties of themselves, as aforesaid, is or shall be deemed or construed to be any Charge payable out of or in respect of any Freehold Estate within the Meaning and Intention of this Act, or of the Oath or solemn Affirmation herein before directed to be administered to, and taken by every Freeholder, if required, as aforesaid.

Of the Electors.

75

Gr. Britain.

It shall be sufficient for the Plaintiff in any Action of Debt given by this Act, to set forth in the Declaration or Bill, that the Defendant is indebted to him in the Sum of

Plaintiffs how
to proceed in
Prosecution of
such Offences.

and to alledge the particular Offence for which the Action or Suit is brought, and that the Defendant hath acted contrary to this Act, without mentioning the Writ of Summons to Parliament, or the Return thereof; and it shall be sufficient in any Indictment or Information for any Offence committed contrary to this Act, to alledge the particular Offence charged upon the Defendant, and that the Defendant is guilty thereof, without mentioning the Writ of Summons to Parliament, or the Return thereof; and upon Trial of any Issue in any such Action, Suit, Indictment, or Information, the Plaintiff, Prosecutor, or Informer, shall not be obliged to prove the Writ of Summons to Parliament, or the Return thereof, or any Warrant or Authority to the Sheriff or Sheriffs, grounded upon any such Writ of Summons.

Provided always, That every Action, Suit, Indictment, or Information given by this Act, shall be commenced

Suits to be
commenced
within Nine
Months.

Gr. Britain.

commenced within the Space
Nine Kalendar Months, after the
Fact upon which the same is ground-
ed shall have been committed.

Statutes of
Jeofails to be
allowed.

All the Statutes of Jeofails, and
Amendments of the Law what-
ever, shall extend to all Proceedings
in any Action, Suit, Indictment,
Information given or allowed by this
Act, or which shall be brought in pur-
suance thereof.

Plaintiff dis-
continuing his
Suit, &c. shall
suffer Treble
Costs.

Provided, That in case the Plain-
tiff or Informer, in any Action
Suit, Indictment, or Information
given by this Act, shall discontinue
the same, or be nonsuited, or Judge-
ment be otherwise given against him
therein, and in any of the said Cases
the Defendant against whom such
Action, Suit, or Information shall
have been brought, shall recover his
Treble Costs.

Limitation of
this Act.

Provided, That this Act (other-
than and except such Clauses and
Provisions as are by this Act made
for or concerning allowing Chequer-
Books, or for or concerning Notices
to be given of the Time and Place of
Election, and proceeding to Election
thereupon) (which see under the Office
returning) shall not extend, or be
construed to extend to any City or
Town.

Of the Electors.

77

Gr. Britain.

Town, being a County of itself, or to any Person or Persons, where the Right of voting for any Member or Members of any such City or Town is, for or in respect of Burgage Tenure, or where the Right of voting for such Member or Members, for or in respect of a Freehold, does not require the same to be of the yearly Value of Forty Shillings.

f 2

of

Of the Elected.

Stat. 34 Ed. I. §. 4. ch. 1.

England.

NO Tallage or Aid shall be taken or levied by Us, or Our Heirs, in Our Realm, without the Good-will and Assent of Archbishops, Bishops, Earls, Barons, Knights, Burgessees, and other Freemen of the Land.

Stat. 5 R. II. ch. 4.

Persons and
Commonalty
summoned to
Parliament,
duly to attend.

The King doth will and command, and it is assented in the Parliament by the Prelates, Lords, and Commons, that all and singular Persons and Commonalties, which from henceforth shall have the Summons of Parliament, shall come from henceforth to the Parliaments in the manner as they are bound to do, and have been accustomed within the Realm of England, of old Times.

And

Of the Elected.

79

And if any Person of the same ^{England.} Realm, which from henceforth shall ^{Knights, Citizens, and Bur-} have the said Summons (be he Knight ^{ges} of the Shire, Citizen of City, Bur- ^{ges} ges of Borough, or other singular ^{ing, to be a-} Person, or Commonalty) do absent ^{merced and o-} himself, and come not at the said ^{therwise pu-} Summons (except he may reasonably ^{nished as in} and honestly excuse him to our Lord ^{old Times} the King) he shall be amerced, and o- ^{used.} therwise punished according as in old Times hath been used within the said Realm in the said Case.

Stat. I H. V. ch. I.

That the Knights of the Shires ^{Knights of the} which from henceforth shall be chosen ^{Shires to be e-} in every Shire, be not chosen, unless ^{lected of such} they be resident within the Shire ^{only, who re-} where they shall be chosen, the Day of ^{side within the} the Date of the Writ of the Sum- ^{Counties they} mons of Parliament. ^{are chosen for} ^{at the Date of} ^{the Writ.}

And moreover it is ordained and ^{Citizens and} established, That the Citizens and ^{Burgesses in} Burgesses of the Cities and Bo- ^{like manner to} roughs be chosen when, Citizens and ^{reside in, and} Burgesses, resident, dwelling, and ^{be free of, the} free in the same Cities and Boroughs, ^{Cities and Bo-} and no other in any wise. ^{roughs they} ^{are elected for}

England.

Stat. 8 H. VI. ch. 7.

Knights of the Shires shall be such, as have the Majority of thote that can expend 40 s. a Year, or more, and shall be resident in their Counties.

That such as have the greatest Number of them that may expend 40 s. by the Year, and above, shall be returned (Knights of the Shire) &c. and that they which shall be chosen, shall be dwelling and resident within the same Counties.

Stat. 23 H. VI. ch. 15.

Citizens and Burgeses only to be elected by Citizens and Burgeses, and the Sheriff shall direct his Precept accordingly.

Ordained, &c. That every Sheriff, after the Delivery of any Writ (of Election) to him made, shall make and deliver without Fraud, a sufficient Precept under his Seal to every Mayor and Bailiff, or to Bailiffs, or Bailiff where no Mayor is, of the Cities and Boroughs within his County, reciting the said Writ, commanding them by his Precept, if it be a City, to choose, &c. Citizens; and in the same Manner if it be a Borough, &c.

Knights, Citizens, or Burgeses elected, and not duly return'd (the Sheriff acting contrary to this Stat. or any former Stat.

And that every Sheriff at every Time that he doth contrary to this Statute, or any other Statutes for the Election of Knights, Citizens, and Burgeses to come to the Parliament, before this Time made, shall forfeit

forfeit and pay to every Person chosen Knight, Citizen, or Burges in his County, and not duly returned, 100 l. whereof every Knight, Citizen, or Burges so grieved, severally shall have his Action of Debt against the said Sheriff, or his Executors or Administrators, to demand and have the said 100 l. with his Costs spent in that Case; and that in such Action taken by virtue of this Statute, the Defendant shall not wage his Law of the Demand aforesaid in any wise; and that no Defendant in such Action shall have any Essoin.

And that in the same Manner at any Time that any Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, shall return others, than those which be chosen, &c. shall forfeit and pay to every Person hereafter chosen Citizen or Burges to come to the Parliament, and not by the same Mayor and Bailiff, or Bailiff or Bailiffs where no Mayor is, returned, 40 l. whereof every of the Citizens and Burgeses so grieved severally shall have his Action of Debt against every of the said Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, or against their Executors or Administrators, to de-

England.

for Elections)
to have Action
of Debt against
him, his Exe-
cutors or Ad-
ministrators,
for 100 l. with
Costs; wherein
no Wager of
Law, &c. shall
be allowed.

The like Acti-
on given a-
gainst Mayor
or Bailiffs,
their Execu-
tors or Admi-
nistrators
for 40 l. Debt
and Costs, for
returning o-
thers than
such as are
chosen Citi-
zen and
Burgeses,
by Citizens
and Burgesse

England.

mand and have of every of the said Mayors and Bailiffs, or Bailiffs or Bailiff where no Mayor is, 40 l. with his Costs in this Case expended.

And that in such Action of Debt taken by force of this Statute, no Defendant in any wise shall wage his Law of the said Demand, nor have ny Essoin.

Such Knight, Citizen, and Burges to commence the Action within 3 Months after the Commencement of such Parliament, & proceed therein without Fraud.

Provided always, That every Knight, Citizen, and Burges to come to any Parliament hereafter to be holden, in due Form chosen, and not returned as afore is said, shall begin his Action of Debt aforesaid within Three Months after the same Parliament commenced, to proceed in the same Suit effectually without Fraud.

In case of a Knight, Citizen, or Burges returned and put out, 100 l. forfeited to the King by any Person put in his Place, and serving as such; and a like Action against him, &c. for 100 l. Debt, and Costs given to the Party grieved, to be commenced within 3 Months after

And if any Knight, Citizen, or Burges hereafter returned by the Sheriff to come to the Parliament in the Manner aforesaid, after such Return be by any Person put out, and another put in his Place, that such Person so put in the Place of him which is out, if he take upon him to be Knight, Citizen, or Burges at any Parliament in Time to come, shall forfeit to the King 100 l. and 100 l. to the Knight, Citizen, or Burges so returned by the Sheriff, and after, as

afore is laid, put out; and that the Knight, Citizen, or Burgess, which is so put out, shall have an Action of Debt of the same 100l. against such Person put in his Place, his Executors, or Administrators; provided always, that he shall begin his Suit within Three Months after the Parliament commenced, &c. and that no Defendant in such Action shall wage his Law, nor be esoined; and that such Process shall be in the Actions aforesaid, as in a Writ of Trespass done against the Peace, at the common Law.

England.

the Com-
mencement of
such Parlia-
ment.

And like Pro-
cess as in Tres-
pass at com-
mon Law.

So that the Knights of the Shires for the Parliament hereafter to be chosen shall be notable Knights of the same Counties for the which they shall be chosen, or otherwise such notable Esquires, or Gentlemen born of the same Counties, as shall be able to be Knights; and no Man to be such Knight, which standeth in the Degree of a Peoman, or under.

Provided, that
Knights of the
Shires be
Knights of the
Counties they
shall be elected
for, or Esquires,
or Gentlemen
able to be
Knights, and
not Yeomen or
under.

Stat. 6 H. VIII. ch. 16.

Enacted, &c. That from henceforth no Knights (of Shires) Citizens, Burgesses, and Barons (of Cinqueports) nor any of them that shall hereafter be elected to come or be in any Parliament

Knights, Citi-
zens, &c. not
to depart or be
absent from
Parliament,
without Leave
of the House
of Commons,

England.
to be entered
in the Journal.

Parliament, do not depart from the said Parliament, nor absent himself from the same, till the said Parliament be fully finished, ended, or prorogued, except he or they so departing have Licence of the Speaker and Commons in the said Parliament assembled, and the same Licence be entered of Record in the Book of the Clerk of the Parliament appointed or to be appointed for the Commons House, &c.

Stat. 27 *H. VIII.* ch. 26.

The 2 Knights and 1 Burges for the Borough and County of *Monmouth*, to have like Privilege, &c. as other Knights and Burgeses.

Enacted, &c. That the Two Knights to be chosen and elected to Parliament for the Shire of *Monmouth* (heretofore Part of *Wales*) and the One Burges for the Borough of *Monmouth*, shall have like Dignity, Pre-eminence and Privilege, as other Knights and Burgeses of the Parliament.

The Knight for each County, and Burges for each Shire-town in *Wales*, to have like Privileges, &c.

And that the Knight which shall be chosen and elected to the Parliaments for the Shires of *Brecknock*, *Radnor*, *Montgomery*, and *Denbigh*, and for every other Shire within the Country or Dominion of *Wales*, and for every other Borough, being a Shire-town within the said Country

Of the Elected.

85

try or Dominion of Wales, shall have like Dignity, Pre-eminence, and Privilege, as other Knights of Parliament.

England.

Stat. 34 & 35 H. VIII. ch. 13.

Enacted, &c. That the Two Knights to be elected for the County Palatine of Chester, and Two Citizens as Burgeses for the City of Chester, shall be Knights and Burgeses of the Court of Parliament, and have like Voice and Authority, to all Intents and Purposes, as any other the Knights and Burgeses of the said Court of Parliament have, use, and enjoy, &c.

The 2 Knights for the County, and 2 Burgeses for the City of Chester, to have like Privileges, &c.

Stat. 25 C. II. ch. 9.

Enacted, &c. That the Two Knights to be elected for the County, and the Two Citizens as Burgeses for the City of Durham (the Election of Knights of the Shire to be by Majority of Freeholders, and the Burgeses by a Majority of the Mayor, Aldermen, and Freemen present at such Election) shall be, by Authority of this Act, Knights and Burgeses of the High Court of Parliament, to all Intents and Purposes, and have and use the like Voice, Authority,

The 2 Knights to be elected for the County, and 2 Burgeses for the City of Durham, by Majority of Freeholders, and a like Majority of Mayor, Aldermen, and Freemen present, to have like Privileges, &c.

England.

Authority, and Places therein, to all Intents and Purposes, as any other the Knights and Burgeses of the said High Court of Parliament have, use, and enjoy; and likewise shall and may, by virtue of this present Act, take, have, use, and enjoy all such and the like Liberties, Advantages, Dignities, and Privileges concerning the said Court of Parliament, to all Intents, Constructions, and Purposes, as any other the Knights and Burgeses of the said High Court of Parliament have taken, had, used, or enjoyed, or shall, may, or ought hereafter to have, take, or enjoy.

Stat. 5 *Eliz.* ch. 1.

Knights, Citizens, &c. before their sitting in the Parliament House, to take the Oath of Supremacy before the Lord Steward, or his Deputies; for the contrary to lose their Memberships, and incur such Penalties as if they had sat without Election, Return, &c.

Enacted, &c. That every Person which hereafter shall be elected or appointed a Knight, Citizen, or Burges, or Baron for any of the Five Ports, for any Parliament or Parliaments hereafter to be holden, shall from henceforth, before he shall enter into the Parliament House, or have any Voice there, openly receive and pronounce the Oath (* expressed in the

* The Oath of Supremacy mentioned in this Act, is abrogated by the Stat. 1 W. & M. ch. 1. and a new one appointed; which see in the Appendix.

Of the Elected.

87

Stat. 1 Eliz. ch. 1. commonly called *The Oath of Supremacy*) before the Lord Steward (of the Queen's Household) for the time being, or his Deputy or Deputies for that Time to be appointed; and that he which shall enter into the Parliament House, without taking the said Oath, shall be deemed no Knight, Citizen, Burgess, nor Baron for that Parliament, nor shall have any Voice, but shall be to all Intents, Constructions, and Purposes, as if he had never been returned nor elected Knight, Citizen, Burgess, or Baron for that Parliament, and shall suffer such Pains and Penalties, as if he had presumed to sit in the same without Election, Return, or Authority.

England.

Stat. 7 Jac. I. ch. 6.

Enacted, &c. That all and every the Knights, Citizens, Burgesses, and Barons of the Five Ports, of the Commons House of Parliament, at any Parliament or Session of Parliament hereafter to be assembled, before he or they shall be permitted to enter into the said House (shall make, take, and receive the Oath of Obedience mentioned in the Statute of 3 Jac. I. ch. 4.

com-

Knights, Citizens, &c. at any Parliament, or Sessions, to take the Oath of Allegiance before the Lord Steward, &c. ere they be permitted to sit.

England.

commonly called *The Oath of Allegiance* * before the Lord Steward for the time being (of the King's Household) his Deputy or Deputies.

Stat. 30 C. II. ft. 2. ch. 1.

Members of the House of Commons shall not vote or sit there during any Debate after their Speaker chosen, until they have taken the Oaths of *Allegiance* and *Supremacy*, and subscribed the *Test*, between the Hours of 9 and 4, in a full House.

Enacted, &c. That none which shall be a Member of the House of Commons shall vote in the House of Commons, or sit there, during any Debate in the said House of Commons after their Speaker is chosen, until such Member shall from time to time, and in manner following, first take the several † Oaths of Allegiance and Supremacy, and make, subscribe, and audibly repeat the Declaration (in this Act contained commonly called *The Test*, which see in the Appendix) which said Oaths and Declaration shall be in this and every succeeding Parliament solemnly and publicly made and subscribed betwixt the Hours of Nine in the Morning and Four in the Afternoon, by every such Member of the House of

* The Oath of Allegiance mentioned in this Act, is abrogated by the Statute of 1 W. and M. ch. 1. and a new one appointed, which see in the Appendix.

† These Oaths are abrogated by Stat. 1 W. and M. ch. 1. and new ones appointed, which see in the Appendix.

Commons

Commons at the Table in the middle of the said House, and whilst a full House of Commons is there duly sitting, with their Speaker in his Chair, and that the same be done in the House, in such like Order or Method as the House is called over by.

If any Member of the House of Commons shall presume to do any thing contrary to this Act, every Member so offending shall from thenceforth be deemed and adjudged a Popish Recusant Convict, to all Intents and Purposes whatsoever, and shall forfeit and suffer as a Popish Recusant Convict, and shall be disabled to hold or execute any Office or Place of Profit or Trust, Civil or Military, in any of His Majesty's Realms of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, or in any of His Majesty's Realms, Islands, or Foreign Plantations to the said Realms belonging, and shall be disabled from thenceforth to sit or vote in Parliament, or to sue or use any Action, Bill, Complaint, or Information, in course of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child,

Members acting contrary to this Act shall be adjudged Popish Recusants Convict, and suffer as such, and be disabled to hold any Office or Place of Profit or Trust in *England* or its Dominions, to sit or vote in Parliament, bring any Action or Information at Law, or Suit in Equity, be Guardian of any Child, Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, and forfeit 500*l.* for every Offence to any that will sue by Action of Debt, &c. wherein no *Essoin*, &c. shall lie.

England.

Child, or Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, and shall forfeit for every wilful Offence against this Act the Sum of Five hundred Pounds, to be recovered or received by him or them that will sue for the same, and to be prosecuted by any Action of Debt, Suit, Bill, Plaint, or Information, in any of His Majesty's Courts at Westminster, wherein no Escoin, Protection, or Wager of Law, shall lie.

Members obliged to take the said Oaths, and subscribe the *Test* in the House, as often as the House shall think fit; and Members acting contrary, and presuming to sit, incapacitated during that Parliament.

It shall be lawful to and for the House of Commons, as often as they shall see Occasion, to order or cause all or any of the Members of Parliament openly in their House to take the said Oaths, and to make and subscribe the said Declaration, at such Times, and in such Manner, as they shall appoint; and if any Member or Members of the House of Commons shall, contrary to such Order made by their House wilfully presume to sit therein, without taking the said Oaths, and making and subscribing the said Declaration, every such Member or Members of the House of Commons presuming to sit, shall be adjudged and is hereby declared to be, uncapable

able and disabled in Law, to all Intents and Purposes whatsoever, to sit in the said House of Commons, or give any Voice therein during that Parliament.

England.

And in every case where any Member or Members of the House of Commons shall, by virtue of this Act, be disabled to sit or vote in the House of Commons, then, and in every such case, without any further Conviction, or other Proceedings against such Member or Members, the Place or Places, for which they or any of them were elected, is hereby declared void, and a new Writ or Writs shall issue out of the High Court of Chancery, by Warrant or Warrants from the Speaker of the House of Commons for the Time being, and, by Order of the said House, for the Election of a new Member or Members to serve in the House of Commons, in the Place or Places of such Member or Members so disabled, to all Intents and Purposes as if such Member or Members were naturally dead, &c.

Such Member's Election declared void, and the Speaker by Order of the House empowered to issue his Warrant for a new Election.

During the taking the Oaths, and subscribing the *Test*, all other Proceedings in Parliament to cease, and the Oath, Declaration, and Subscription, with a Sche-

¶

dule

England.

duple of the Names of the Persons taking and subscribing them, to be entred and filed in Parchment-Rolls provided by the Clerk of the House, and each Member to pay only 12 *d.* for every such Entry.

Stat. 1 *W. & M.* ch. 1.

Members of the House of Commons qualified to sit and vote by taking the Oaths of *Allegiance* and *Supremacy* appointed by this Act (*instead of the old ones, now repealed*) and by subscribing the *Test* according to the limitations, &c. of the preceding Statute 30 *Car. 2.*

Enacted, &c. That the Act made in the 30th Year of King Charles the Second, and all other Acts of Parliament, as to so much of the said Act or Acts only as concerns the taking the Oaths of Supremacy and Allegiance, or either of them, in the said Acts respectively mentioned, by any Member or Members of the House of Commons, with relation to their sitting and voting in Parliament, shall be, and are hereby repealed to all Intents and Purposes, any thing in the said recited Act or Acts to the contrary notwithstanding.

In all future Parliaments the Oaths (in this Act mentioned, which see in the Appendix) and the Declaration in the Act made in the 30th Year of King Charles the Second mentioned (which also see in the Appendix) shall be taken, made, subscribed, and repeated by every Member of the House of Commons, with

In the time, and in the same Manner and Form, and under the Penalties and Disabilities, as the said Oaths of Allegiance and Supremacy, and the said Declaration, by the said Act of the 30th Year of King Charles the Second are limited, ordained, and appointed to be taken, made, subscribed, and repeated, and not at any other time, or in any other manner, to enable them to sit and vote in Parliament, any thing in the said Act or Acts, or in any of them, to the contrary notwithstanding.

Stat. 1 W. & M. ch. 2. stat. 2.

[*The Claim of Rights.*]

That Elections of Members of Parliament ought to be Free.

That the Freedom of Speech and Debates on Proceedings in Parliament ought not to be impeached or questioned in any Court or Place out of Parliament.

Enacted accordingly.

Stat. 5 & 6 W. & M. ch. 7.

Enacted, &c. That no Member of the House of Commons shall at any time be concerned, directly or indirectly,

Members of the House of Commons to be no ways concerned

England.
 in Duties or
 Aids to be
 granted by Par-
 liament, ex-
 cept Commis-
 sioners of the
 Treasury, Cu-
 stoms, Excise,
 and Land Tax.

ly, or any other in trust for him, in the farming, collecting, or managing any of the Duties, or other Aids that hereafter shall be granted by Act of Parliament, except the Commissioners of the Treasury, and the Officers and Commissioners for managing the Customs and Excise, not exceeding the present number in each Office, and Commissioners of the Land Tax.

Stat. 5 & 6 W. & M. ch. 20.

Members of
 the House of
 Commons may
 be Members of
 the Bank.

Enacted, &c. That it shall and may be lawful to and for any Member or Members of the House of Commons to be a Member or Members of the Corporation (of the Governor and Company of the Bank of *England*). No Collector, Supervisor, Gauger, or other Officer, or Person whatsoever concerned or employed in the charging, collecting, levying, or managing the Duties of Excise, or any Branch or Part thereof, shall, by Word, Message, or Writing, or in any other manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving his Vote for the Choice of any Person to be a Knight of the Shire, Citizen, Burgess, or Baron, of any County, City, Borough, or Cinque-
 Port,

Port; and every Officer, or other Person offending therein, shall forfeit the Sum of 100 l. one Moiety thereof to the Informer, the other Moiety to the Poor of the Parish where such Offence shall be committed, to be recovered by any Person that shall sue for the same, by Action of Debt, Bill, Plaint, or Information in any of their Majesties Courts of Record at *Westminster*, in which no Effoin, Protection, Privilege, or more than one Imparlanche shall be allowed, and every Person convicted on such Suit of the said Offence, shall be for ever incapacitated to bear any Office, or Place of Trust, under the Crown.

Stat. 7 W. III. ch. 4.

Enacted, &c. That no Persons hereafter to be elected to serve in Parliament for any County, City, Town, Borough, Port, or Place within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, after the Teste of the Writ of Summons to Parliament, or after the Teste, or the issuing out, or ordering of the Writ or Writs of Election upon the calling or summoning of any Parliament hereafter, or after any such Place becomes

No Persons to be elected, after the Teste of the Writ shall by themselves, or any other ways at their charge before the Election, give, promise, or oblige themselves to give, any thing to any Person, having a Vote in particular, or to any County or Place in general, in order to be elected.

England.

vacant, shall, or do hereafter by himself, or themselves, or by any other ways or means, on his or their behalf, or at his or their Charge, before his or their Election to serve in Parliament for any County, City, Town, Borough, Port, or Place within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, directly or indirectly give, present, or allow to any Person or Persons, having Voice or Votes in such Election, any Money, Meat, Drink, Entertainment, or Provision, or make any Present, Gift, Reward, or Entertainment, or shall at any time hereafter make any Promise, Agreement, Obligation, or Engagement to give or allow any Money, Meat, Drink, Provision, Present, Reward, or Entertainment to or for any such Person or Persons in particular, or to any such County, City, Town, Borough, Port, or Place in general, or to or for the Use, Advantage, Benefit, Employment, Profit, or Preferment of any such Person or Persons, Place or Places, in order to be elected, or for being elected to serve in Parliament, for such County, City, Town, Borough, Port, or Place.

And

And it is hereby further enacted and declared, That every Person or Persons so giving, presenting, or allowing, making, promising, or engaging, doing, acting, or proceeding, shall be, and are hereby declared, and enacted disabled and incapacitated upon such Election to serve in Parliament for such County, City, Town, Borough, Port, or Place, and that such Person or Persons shall be deemed and taken, and are hereby declared and enacted to be deemed and taken no Member in Parliament, and shall not act, sit, or have any Vote or Place in Parliament, but shall be, and are hereby declared and enacted to be, to all Intents, Constructions, and Purposes, as if they had been never returned, or elected Members for the Parliament.

England.

Such Persons so giving, promising, &c. disabled to serve, as if never elected or returned.

Stat. 7 & 8 W. III. ch. 7. and continued by Stat. 12 & 13 W. III. ch. 5.

Enacted, &c. That all false Returns wilfully made of any Knight of the Shire, Citizen, Burgess, Baron of the Cinque-ports, or other Member to serve in Parliament, are against Law, and are hereby prohibited.

False Returns of Knights, Citizens, &c. illegal and prohibited.

England.

An Action given to any duly elected against the Officer for, and Procurer of a false Return, or Return contrary to the last Determination of the Right of Election in the House of Commons, in any of the Courts at *Westminster*, with double Damages, and full Costs.

Like Action given the elected against Officer, &c. falsely, &c. making double Returns, and the Procurers of such Returns.

Contracts, Bonds, &c. given to procure the Return of any Members adjudged void, and such

The Party grieved (by any false Return, and contrary to the last Determination of the Right of Election of the House of Commons, which is also adjudged a false Return) (to wit) every person that shall be duly elected to serve in Parliament for any County, City, Borough, Cinque-Port, or Place, by such false Return, may sue the Officers and Persons making or procuring the same, and every or any of them, at his Election, in any of His Majesty's Courts of Record at Westminster, and shall recover double the Damages he shall sustain by reason thereof, together with his full Costs of such Suit.

Any Officer that shall wilfully, falsely, and maliciously return more persons than are required to be chosen by the Writ or Precept on which any Choice is made, the like Remedy may be had against him or them, and the Party or Parties that wilfully procure the same, and every or any of them, by the Party grieved at his Election.

All Contracts, Promises, Bonds, and Securities whatsoever hereafter made or given to procure any Return of any Member to serve in Parliament, or any thing relating thereunto,

to, shall be adjudged void; and that whoever makes or gives such Contracts, Security, Promise, or Bond, or any Gift or Reward to procure such false or double Return, shall forfeit the Sum of 300*l.* one third Part thereof to be to His Majesty, another third part thereof to the Poor of the County, City, Borough, or Place concerned, and one third Part thereof to the Informer, with his Costs, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Plaint, or Information, wherein no Effoin, Protection, or Wager of Law shall be allowed, nor any more than one Imparlance.

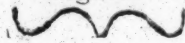
England.

(Members) as make or give them to procure any false or double Return, forfeit 300*l.* One third to the King, another to the Poor of the County, City, &c. and a third to the Informer, with his Costs, to be recovered by Action of Debt, &c. wherein no Effoin, &c. and but one Imparlance allowed.

The Clerk of the Crown to keep a Book of Entry of every single and double Return, and of every Alteration and Amendment in every such Return, whereto all Persons are to have access, and take Copies of so much as desir'd at a reasonable Fee—The Parties prosecuting such Suit (Candidates) may give such Book, or a true Copy thereof, in Evidence, and have like Advantage as by producing the Record it self: And if the Clerk of the Crown makes not such Entry within six Days after any Return, or alters any Return without Order of the House of Commons, or gives a Certificate of any Person

not

England.



Informations
or Actions on
this Stat. to be
brought within
two Years after
the Cause or
Action.

not returned, or wilfully neglects or omits his Duty herein, he shall forfeit 500 l. for each Offence to the Party grieved (*Candidate*) to be recovered as aforesaid, and lose his Office, and be for ever incapable of holding it.

Every Information or Action grounded upon this Statute, shall be brought within the Space of two Years after the Cause of Action shall arise, and not after.

Stat. 7 & 8 W. III. ch. 25.

Candidates for Knights of the Shire may nominate Persons to be Inspectors of the Poll, and may require each Freeholder to be sworn before admitted to poll.

Any Person procuring a Freeholder or other to take

Enacted, &c. That upon every Election to be made of any Knight or Knights of the Shire (in case a Poll shall be required) the Sheriff, or his Under-Sheriff, shall appoint for each Candidate such one Person as shall be nominated to him by each Candidate to be Inspectors of every Clerk who shall be appointed for taking the Poll; and every Freeholder, before he is admitted to poll at the same Election, shall, if required by the Candidates, or any of them, first take the Oath (in this Act contained, which see in the Appendix.)

And if any Person do unlawfully and corruptly procure or suborn any Freeholder or other Person to take the

the said Oath in order to be polled, whereby he shall commit wilful and corrupt Perjury, and shall be thereof convicted, he for every such Offence shall incur the like Pains and Penalties as are in and by one Act of Parliament made in the 5th Year of the Reign of the late Queen Elizabeth, &c. enacted against all such who shall &c. suborn or procure any Person to commit any unlawful and corrupt Perjury contrary to the said Act.

at half a Year, and stand in the Pillory an Hour, per Stat.

England.

the Oath for the Poll, where- by he commits Perjury, and convicted of such Subornation, for every Offence (forfeits 40 l. and is incapacitated as a Witness till such Judgment be reversed; and for want of 40 l. to be imprisoned 5 Eliz. ch. 9.

The said Sheriff, or in his Absence his Under-Sheriff, or such as he shall depute, shall not adjourn the County-Court from the Place of Election to any other Town or Place within the same County without consent of the Candidates, but shall duly and orderly proceed to take the Poll from day to day, and time to time, without any further or other Adjournment, without the Consent of the Candidates.

Every Sheriff, Under-Sheriff, Mayor, Bailiff, and other Officer, to whom the Execution of any Writ or Precept shall belong for the electing Members to serve in Parliament, shall forthwith deliver to such Person

Without the Candidates consent, the County Court not to be adjourned from the place of Election, nor the Poll discontinued.

Any Person may demand a Copy of any Poll which the Sheriffs, Mayors, &c. are required to deliver, paying reasonably for writing it.

or

England.

To each Party
grieved, May-
ors, Sheriffs,
&c. for every
wilful Offence,
contrary to this
Act, forfeit
500 l. to be re-
cover'd by such
Party, his Ex-
ecutors, or Ad-
ministrators,
with full Costs,
by Action of
Debt, &c.
wherein no
Eskoin, &c. to
be allowed.

or Persons as shall desire the same, a
Copy of the Poll taken at such Elec-
tion, paying only a reasonable Charge
for writing the same: And every
Sheriff, Under-Sheriff, Mayor, Bail-
iff, and other Officer to whom the
Execution of any Writ or Precept
for electing Members to serve in Par-
liament doth belong, for every wilful
Offence contrary to this Act shall for-
feit to every Party so aggrieved the
Sum of 500 l. to be recovered by him
or them, his or their Executors or
Administrators, together with full
Costs of Suit, and for which he or
they may sue by Action of Debt, Bill
Plaint or Information, in any of
His Majesty's Courts at Westminster,
wherein no Eskoin, Protection,
Wager of Law, Privilege, or Im-
parlance, shall be admitted or al-
lowed.

None shall be
elected under
the Age of 21
Years.

The Choice of
any elected un-
der that Age
declared void;
and such Mi-
nor sitting,
&c. in Parlia-
ment shall in-
cur like Penal-
ties as if sitting,
&c. unchosen
or returned.

No Person hereafter shall be ca-
pable of being elected a Member to
serve in Parliament, who is not of
the Age of 21 Years, and every E-
lection or Return of any Person un-
der that Age is hereby declared to be
null and void. And if any such Per-
son hereafter chosen shall presume to
sit or vote in Parliament, he shall in-
cur such Penalties and Forfeitures

as if he had presumed to sit and vote in Parliament without being chosen or returned.

England.

The Sheriff of the County of Southampton, or his Deputy, at the Request of one or more of the Candidates for Election of a Knight or Knights for that County, shall adjourn the Poll from Winchester, after every Freeholder then and there present is polled, to Newport in the Isle of Wight, for the Ease of the Inhabitants of the said Island, any Thing in this Act contained to the contrary notwithstanding.

Candidates for the County of Southampton may demand of the Sheriff, after the End of the Poll at Winchester, an Adjournment to Newport in the Isle of Wight.

Stat. 7 & 8 W. III. ch. 27.

No Person which shall refuse to take the Oaths (of Allegiance and Supremacy, which see in the Appendix) Directed by an Act made in the First Year of the Reign of His present Majesty, and the late Queen Mary, or being Quakers, shall refuse to subscribe the Declaration of Fidelity directed by one other Act of Parliament made in the said First Year of the Reign of His present Majesty and the late Queen, (which see also in the Appendix), (to be administered on the Poll by the Sheriff or Chief

Candidates may require the Sheriff or Chief Officer on the Poll, at any Election, to administer the Oaths of Allegiance and Supremacy to Electors (and if Quakers, the Declaration of Fidelity) and on Refusal, not to admit them to vote.

Officer

England.

Officer at any Election) at the Request of any one of the Candidates, shall be admitted to give any Vote for the Election of any Knight of the Shire, Citizen, Burgess, or Baron of the Cinque Ports, to serve in Parliament.

Stat. 11 & 12 W. III. ch. 2.

Members of the House of Commons, while such, by themselves, Deputies, or Trustees, taking or executing any Office in the Excise, or Appeals thereof, declared incapable of sitting, &c.

Enacted, &c. That if any Member of the House of Commons, during the Time of his being a Member of Parliament, by his Deputy or any other in Trust for him or his Benefit, take, enjoy, or execute any Office, Place or Employment touching or concerning the farming, managing, or collecting the Duty of Excise, or determining Appeals concerning the said Duty, or comptrolling or auditing the Accounts of the same, such Person is hereby declared and enacted to be absolutely incapable of sitting, voting, or acting as a Member of the House of Commons in such Parliament.

Stat. 12 & 13 W. III. ch. 2.

The Act for the Limitation of the Crown to the House of Hanover.

Enacted, &c. After the Limitation of the Crown to the Princess *Sophia* of *Hanover*, (by this Act shall take Effect) no Person born out of the Kingdoms of *England*, *Scotland* or *Ireland*, or the Dominions thereunto belonging, (although he be naturalized or made a *Denizen*, except such as are born of *English* Parents) shall be capable to be a Member of the House of Commons.

Stat. 12 & 13 W. III. ch. 10.

Enacted, &c. That no Member of the House of Commons shall be capable of being a Commissioner or Farmer of the Customs, or of holding or enjoying in his own Name, or in the Name of any other Person in Trust for him, or for his Use or Benefit, or of executing, by himself or his Deputy, any Office, Place or Employment touching or concerning

Members of the House of Commons incapacitated from being Commissioners or Farmers of the Customs, or to hold in their own or others Names, or by others in Trust, or execute by Deputies any Office in the Customs

England.

Members,
while such, so
taking or exe-
cuting any such
Office, declared
incapable of
sitting, &c.

concerning the farming, collecting, or
managing the Customs.

If any Member of the House of
Commons shall, during the Time of
his being a Member of Parliament,
by himself or his Deputy, or any
other in Trust for him, or for his
Benefit, take, enjoy or execute any
Office, Place or Employment, touch-
ing or concerning the farming, Ma-
naging, or collecting the Customs,
such Person is hereby declared and
enacted to be absolutely incapable
of sitting, voting, or acting as a
Member of the House in such Par-
liament.

No Commissioner, Collector, Comptroller,
Searcher, or other Officer, or Person
concerned or employed in the charging,
collecting, levying, or managing the Cu-
stoms, or any Branch or Part thereof,
shall by Word, Message or Writing,
or in any other Manner, endeavour to
perswade any Elector to give, or dis-
suade any Elector from giving his Vote
for the Choice of any Person to be a
Knight of the Shire, Citizen, Burgess,
or Baron of any County, City, Burrough
or Cinque Port, and every Officer,
or other Person offending therein, shall
forfeit the Sum of One hundred Pounds,

one

Of the Elected.

107

one Moiety to the Informer, the other Moiety to the Poor of the Parish where such Offence shall be committed, to be recovered by any Person that shall sue for the same, by Action of Debt, Bill, Complaint or Information, in any of His Majesty's Courts of Record at Westminster: In which no Essoin, Protection, or Wager of Law, or more than one Imparlance shall be allowed; and every Person convicted on any such Suit, shall be incapable ever to bear any Office or Place of Trust under the Crown.

England.

Stat. 13 & 14 W. III. ch. 6.

Enacted, &c. That none which shall be a Member of the House of Commons, shall vote in the House of Commons, or sit there during any Debate in the said House of Commons, after their Speaker is chosen, until such Member shall, from Time to Time take the Oath (mentioned in this Act, commonly called the *Abjuration*, altered by Statute 1 *Annæ*, ch. 22. Stat. 4 & 5 *Annæ*, ch. 8. 6 *Annæ*, ch. 7. and by 1 *Geo. I. c. 13.* which last see in the Appendix) and subscribe the same in manner following; (that is to say) the said Oath shall be in this and every other

Members of the House of Commons not to vote or sit there during any Debate, after their Speaker chosen, until they have taken and subscribed the *Abjuration* between 9 and 4, in a full House.

b succeed.

England.



succeeding Parliament, solemnly and publickly made and subscribed between the Hours of Nine in the Morning, and Four in the Afternoon, by every such Member of the House of Commons, at the Table, in the Middle of the said House, and whilst a full House of Commons is there duly sitting with their Speaker in his Chair.

Members voting, not having so taken. &c. the said Oath, adjudged Popish Recusants convict, and forfeit as such, and disabled to hold any Office or Place of Profit or Trust in England or its Dominions, to sit or vote in Parliament, bring any Action or Information at Law, or Suit in Equity, be Guardian of any Child, Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, and to forfeit 500 *l.* to any that will sue by Action of Debt, &c. where no Es-

If any Member of the House of Commons shall presume to vote, not having taken the said Oath, and subscribed the same as aforesaid, every such Member so offending shall from thence be deemed and adjudged a Popish Recusant convict to all Intents and Purposes whatsoever, and shall forfeit and suffer as a Popish Recusant convict, and shall be disabled to hold or execute any Office or Place of Profit or Trust, Civil or Military, in any of his Majesty's Realms of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, or in any of his Majesty's Islands or Foreign Plantations to the said Realms belonging, and shall be disabled from thenceforth to sit or vote in Parliament, or to sue or use any Action, Bill, Plaint, or Information in course of

Of the Elected.

109

of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child, or Executor, or Administrator of any Person, or capable of any Legacy or Deed of Gift, and shall forfeit for every wilful Offence against this Act the Sum of 500l. to be recovered and received by him or them that shall sue for the same, and to be prosecuted by any Action of Debt, Suit, Bill, Complaint, or Information, in any of his Majesty's Courts at Westminster, where in no Essoin, Protection, or Wager of Law shall lie.

England.
soin, &c.
shall lie.

Stat. 2 & 3 *Annæ*, ch. 4.

Enacted, &c. That no Register (for the Registering Memorials of Deeds, Conveyances and Wills) within the West-Riding in the County of York, or his Deputy for the Time being, be capable of being chosen a Member to serve in Parliament.

The Register for the West-Riding of York-shire, or his Deputy, incapacitated to be chosen Member of Parliament.

Stat. 4 & 5 *Annæ*, ch. 8.

Enacted, &c. That no Person, who shall have in his own Name, or in the Name of any Person or Persons in trust for him or for his

No Candidate, who shall have in his own Name, or in trust for him or his Benefitor, any new Office or

England.

Place of Profit hereafter to be created, or be a Commissioner or Sub-Commissioner, Secretary or Receiver of Prizes, Commissioner of the Armies Accounts, Commissioner of the Sick and Wounded, Agent for any Regiment, Commissioner for Wine Licences, Governor or Deputy-Governor of any of the Plantations, Commissioner in any Out Port, or have a Pension from the Crown during Pleasure, shall be capable of being elected or sitting, &c. as a Member.

Members chosen accepting any Office of Profit from the Crown, while they continue Members, their Election void, and a new Writ to issue, but ca-

Benefit, any new Office or Place of Profit whatsoever, under the Crown, which at any Time hereafter shall be created or erected, nor any Person who shall be a Commissioner or Sub-Commissioner of the Prizes, Secretary or Receiver of the Prizes, nor any Comptroller of the Accounts of the Army, nor any Commissioner of Transports, nor any Commissioner of the Sick and Wounded, nor any Agent to any Regiment, nor any Commissioner for Wine Licences, nor any Governor nor Deputy-Governor of any of the Plantations, nor any Commissioner of the Navy employed in any of the Out-Ports, nor any Person having any Pension from the Crown during Pleasure, shall be capable of being elected, or of sitting or voting as a Member of the House of Commons in any Parliament which shall be hereafter summoned and holden.

If any Person being chosen a Member of the House of Commons shall accept of any Office or Profit from the Crown during such Time as he shall continue a Member, his Election shall be, and is hereby declared to be void, and a new Writ shall

issue

Of the Elected.

III

issue for a new Election, as if such Person so accepting was naturally dead. Nevertheless such Person shall be capable of being again elected, as if his Place had not become void as aforesaid.

England.
pable of being
again elected

No greater Number of Commissioners shall be made for the Execution of any Office, than have been employed in the Execution of any such from the first Day of the Session.

Nothing herein contained shall extend, or be construed to extend, to any Member of the House of Commons being an Officer in her Majesty's Navy or Army, who shall receive any new or other Commission in the Navy or Army respectively.

Members being
Officers in the
Navy or Army,
receiving any
new Commis-
sion in either,
not incapaci-
tated.

If any Person hereby disabled or declared to be incapable to sit or vote in any Parliament hereafter to be holden, shall nevertheless be returned as a Member to serve for any County, City, Town or Cinque-Port, in any such Parliament, such Election and Return are hereby enacted and declared to be void to all Intents and Purposes whatsoever; and if any Person disabled or declared incapable by this Act to be elected, shall presume to sit or vote

Members here-
by incapaci-
tated, if re-
turned, their
Election void,
and presuming
to sit and vote,
forfeit 500 £. to
any that will
sue by Action
of Debt, &c.
wherein no Es-
soin, &c. and
but one Impar-
lance to be
allowed.

Great Britain.

as a Member of the House of Commons in any Parliament to be hereafter summoned, such Person so sitting or voting shall forfeit the Sum of 500 l. to be recovered by such Person as shall sue for the same by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law, shall be allowed, and only one Imparllance.

Stat. 5 *Annæ*, ch. 8.

[The Union Act.]

Forty-five shall be the Number of the Representatives of *Scotland* in the House of Commons of the Parliament of *Great Britain*.

Every Member of the House of Commons of the Parliament of *Great Britain* (until the Parliament of *Great Britain* shall otherwise direct) shall take the respective Oaths appointed to be taken instead of the Oaths of *Allegiance* and *Supremacy*, by an Act of Parliament made in *England* in the First Year of the Reign of the late King *William* and Queen *Mary*, (*The new Oaths of Allegiance and Supremacy, which see in the Appendix*) and make

Of the Elected.

113

Great Britain.

make, subscribe, and audibly repeat the Declaration mentioned in an Act of Parliament made in *England* in the Thirtieth Year of the Reign of King *Charles* the Second, (*The Test, which see also in the Appendix*) and shall take and subscribe the Oath mentioned in an Act of Parliament made in *England* in the First Year of her Majesty's Reign, (*The Abjuration, which see also in the Appendix*) at such Time and in such Manner, as the Members of Houses of Parliament of *England* are by the said respective Acts directed to take, make and subscribe the same, upon the Penalties and Disabilities in the said respective Acts contained : And it is declared and agreed, that these Words (*This Realm, The Crown of this Realm, and the Queen of this Realm*) mentioned in the Oaths and Declaration contained in the aforesaid Acts, which were intended to signify the Crown and Realm of *England*, shall be understood of the Crown and Realm of *Great Britain*, and that in that Sense the said Oaths and Declaration be taken and subscribed by the Members of the Parliament of *Great Britain*.

Enacted accordingly.

B 4

None

Great Britain.

None capable
to be elected for
any Shire or Bo-
rough of Scot-
land under 21
Years, nor un-
less a Protec-
tant; Papists
and such as re-
fuse the For-
mula excluded.

Like Incapacity
on Candidates
not at this time
capable by the
Laws of Scot-
land.

None shall be capable to be elec-
ted (a Representative for any Shire or
Borough of *Scotland*) but such as are
Twenty-one Years of Age complete,
and Protestant, excluding all Pa-
pists, or such who being suspect of
Popery, refuse to swear and sub-
scribe the Formula contained in the
Third Act made in the 8th and 9th
Sessions of King William's Parlia-
ment (in *Scotland*, which see in the Ap-
pendix) nor shall be capable to be
elected to represent a Shire or Burgh
in the Parliament of Great Britain
(for *Scotland*) except such as (were at
the time of passing this Act) capable
by the Laws of (*Scotland*) to be
elected as Commissioners for Shires
or Boroughs to the Parliament of
Scotland.

Enacted accordingly.

Stat. 6 Anne, ch. 7.

*A like Clause for incapacitating Persons
to be elected, &c. Members of Par-
liament, and likewise for incapaci-
tating Members of Parliament, with
like Restrictions, Exceptions, and Pe-
nalties (throughout the united King-
dom)*

Of the Elected.

115

dom) as are contained in the Statute Great Britain.
4 & 5 Annæ, ch. 8. relating to Candidates and Members for the Parliament of England.

And further enacted, &c. That every Person disabled to be elected, or to sit or vote in the House of Commons of any Parliament of England, shall be disabled to be elected, or to sit or vote in the House of Commons of any Parliament of Great Britain.


Candidates disabled to be elected, or Members to sit, &c. in the Parliament of England, underlike disabilities as to any Parliament of Great Britain.

Except the present Commissioners for disposing the Equivalent by the present or any other Commission.

Stat. 6 Annæ, ch. 23.

Enacted, &c. That every Person who shall refuse to take the Oath of Abjuration, (which see in the Appendix) or being a Quaker, shall refuse to declare the Effect thereof upon his solemn Affirmation, as directed by an Act of Parliament made in the Seventh Year of the Reign of his late Majesty King William, (the Form whereof see also in the Appendix) to be administered by the Sheriff, President of the Meeting, or chief Officer,

Candidates or others may require the Sheriff, President of the Meeting &c. on the Poll at any Election of Members of Parliament in Great Britain, or of Commissioners for choosing Burgesses in Scotland to administer the Abjuration upon Oath (or upon Affirmation) to

Great Britain.

Quakers) and
 Electors refu-
 sing it, incapa-
 ble to vote.

ficer taking the Poll at any Election of Members to serve in the House of Commons for any Place in *Great Britain*, or Commissioners for choosing Burgeses for any Place in *Scotland*, at the Request of any Candidate or other Person present, shall not be capable of giving any Vote for any Election of any such Member to serve in the House of Commons for any place in *Great Britain*, or Commissioner to choose a Burgess for any place in *Scotland*.

Stat. 6 *Annæ*, ch. 35.

The Register
 for the *East*
Riding of *York-*
shire, &c. or
 his Deputy, in-
 capacitated to
 be chosen a
 Member of
 Parliament.

Enacted, &c. That no Register for the Registering Memorials of Deeds, Conveyances, Wills, &c. within the *East Riding* of the County of *York*, or the Town and County of *Kingston upon Hull*, or his Deputy for the time being, be capable of being chosen a Member to serve in Parliament.

Stat. 9 *Annæ*, ch. 5.

Persons incapa-
 citated to sit or
 vote in the
 House of Com-
 mons who have
 not an Estate,
 Freehold or Co-

Enacted, That no Person shall be capable to sit or vote as a Member of the House of Commons, for any County, City, &c. within that part of *Great Britain* called *England*,
 &c.

Who shall not have an Estate freehold or Copyhold for his own Life, or for some greater Estate, either in Law or Equity to his own Use, in Lands, Tenements, or Hereditaments, above what will satisfy and clear all Incumbrances, within that Part of Great Britain called England, &c. of the annual Value of Six hundred Pounds above Repizes, for every Knight of a Shire, and of Three hundred Pounds above Repizes for every Citizen, Burgess, &c. And if any Persons elected or returned to serve in any Parliament, as a Knight of a Shire, or as a Citizen, Burgess, &c. shall not, at the time of such Election and Return, be seized of, or intituled to such an Estate before required, such Election and Return shall be void.

Nothing in this Act contained shall extend to make the Eldest Son or Heir Apparent of any Peer or Lord of Parliament, or of any Person qualified by this Act to serve as Knight of a Shire, incapable of being elected and returned, and sitting and voting as a Member of the House of Commons, in any Parliament.

Nothing

Great Britain.

pyhold for Life or greater, lying in England of 600 l. for a Knight of the Shire, annually; and 300 l. for a Citizen, Burgess, &c. and if any elected, &c. not seized of such an Estate, the Election, &c. void.

Eldest Son or Heir Apparent of a Peer, or Person qualified to serve as a Knight of a Shire, excepted.

Great Britain.

Elections, for each of the Universities in England also excepted.

No Person qualified by Virtue of a Mortgage, unless in Possession of the mortgaged Premises for Seven Years before his Election.

Candidates to be sworn to their Estates, is required by any other Candidate or two Electors,

Nothing in this Act contained, shall extend to either of the Universities in that Part of Great Britain called England, but that they may elect and return Members to represent them in Parliament, as heretofore they have done.

No Person shall be qualified to sit in the House of Commons, within the Meaning of this Act, by virtue of any Mortgage, whereof the Equity of Redemption is in any other Person, unless the Mortgagee shall have been in Possession of the mortgaged Premises for Seven Years before the time of his Election.

Every Person (except as aforesaid) who shall appear as a Candidate, or shall by himself, or any others, be proposed to be elected, shall, upon Request (at the time of such Election, or before the Day to be prefixed in the Writ of Summons for the meeting of the Parliament) by any other Person who shall stand Candidate at such Election, or by any Two or more Persons having Right to vote at such Election, take a Corporal Oath in the Form (in this Act contained, which see in the Appendix.)

The

Of the Elected.

119

The respective Oaths aforesaid shall be administered by the Sheriff or Under-Sheriff, for any County, or by the Mayor, Bailiff, or other Officer or Officers for any City, Borough, &c. to whom it shall appertain to take the Poll, or make the Return at such Election, or by any Two or more Justices of the Peace within England, &c. And if any of the said Candidates, &c. shall wilfully refuse to take the Oath, the Election and Return of such Candidate or Person shall be void.

Great Britain.

Before the Sheriff or other Officer by whom the Poll is to be taken, or Return made, or Two or more Justices of the Peace.

The Election and Return of Candidates refusing to take the Oath, void.

1 Stat. 12 Anne, ch. 6.

Enacted, That from and after the Determination of this present Parliament, no Conveyance or Right, whereupon Infeoffment is not taken and Seisin registered One Year before the Teste of the Writs for calling a new Parliament, shall, upon Objection made in this Behalf, intitle the Person or Persons so infeoff, to be elected at that Election in any Shire or Stewartry in that Part of Great Britain called Scotland; and in case any Election happen during the Continuance of a Parliament, no Conveyance or Right what-

No Conveyance or Right after the end of this Parliament, whereon Infeoffment is not taken, and Seisin registered a Year before the Teste of the Writs, shall intitle the Person to be elected in any Shire or Stewartry in Scotland.

Great Britain.

The like as to
Infeoffments
not taken a
Year before
the Date of the
Warrant for a
new Writ
during the
Continuance of
a Parliament.

Any Elektor
present, sus-
pecting Persons
to have Estates
in Trust, may
require the
Præses of the
Meeting to
swear such to
their Estates.

On Refusal to
swear and sub-
scribe the Oath,
incapable to be
elected.

Whatsoever, whereupon Infeoffment
is not taken One Year before the
Date of the Warrant for making
out a new Writ for such Election,
shall, upon Objection made in that
Behalf, intitule the Person or Per-
sons so infeoff, to be elected at that
Election; and that it shall be law-
ful for any of the Elektors present,
suspecting any Person or Persons to
have his or their Estates in Trust,
and for the Behoof of another, to
require the *Præses* of the Meeting
to tender the Oath (in this Act con-
tained, intituled, The Form of the Free-
holders, &c. Oath, to be taken (upon
Objection made) by *Stat. 12 Anne*, and
is the same *mutatis mutandis*, afterwards
altered) to any Elektor, and the said
Præses is hereby required to admini-
ster the same.

In case such Elektor refuse to swear,
and also to subscribe the said Oath,
such Person or Persons shall not be
capable of being elected at such E-
lection.

Stat. 1 G. I. ch. 13.

Enacted, That from and after the
Twenty-ninth Day of September in
the Year of our Lord One thousand
seven

seven hundred and fifteen, no Person that now is, or hereafter shall be a Member of the House of Commons, shall vote in the House of Commons, or sit there, during any Debate in the said House of Commons, after the Speaker is chosen, until such Peer or Member shall, from time to time respectively, take the Abjuration Oath (which Oath see in the Appendix) instead of the Oath of Abjuration which before by Law ought to have been taken, in such Manner, and together with such other Oaths, and Declaration against Transubstantiation, as the said former Oath of Abjuration ought to have been taken.

And further enacted, That if any Person that now is, or hereafter shall be a Member of the House of Commons, in this or any succeeding Parliament, and after the said Twentieth ninth Day of September presume to vote, not having taken the said Oath, and subscribed the same as aforesaid, every such Member so offending shall be disabled to sue or use any Action, Bill, Complaint, or Information in any Court of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child,

Great Britain.

After 29 Sept.
1715. No Mem-
ber to vote
before taking
the Oaths

Penalty.

Great Britain.

Child, or Executor or Administrator of any Person, or be capable of any Legacy or Deed of Gift, or to be in any Office within this Realm of Great Britain, or to vote at any Election for Members to serve in Parliament, and shall forfeit the Sum of Five hundred Pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by Action of Debt, Suit, Bill, Plaint, or Information, in any of his Majesty's Courts at Westminster, wherein no Escoin, Protection, or Wager of Law shall lie, or any more than one Imparance, and by way of Summar Complaint before the Court of Sessions, or Prosecution before the Court of Justiciary in Scotland.

Stat. 1 G. I. ch. 56.

Persons having
Pensions from
the Crown in-
capacitated.

Enacted, That no Person having any Pension from the Crown for any Term or Number of Years, either in his own Name, or in the Name or Names of any other Person or Persons in Trust for him, or for his Benefit, shall be capable of being elected, or chosen a Member of, or for sitting or voting as a Member of this present or any future House of Com-
mons

mons which shall be hereafter summoned. Great Britain.

Enacted, That if any Person who shall have such Pension, as aforesaid, at the Time of his being so elected, or at any Time after, during such Time as he shall continue or be a Member of the House of Commons, shall presume to sit or vote in that House; then, and in such case, he shall forfeit Twenty Pounds for every Day in which he shall sit or vote in the said House of Commons, to such Person or Persons who shall sue for the same in any of His Majesty's Courts in Westminster-Hall; and the Monies so forfeited shall be recovered by the Person so suing, with full Costs of Suit, in any of the said Courts, by Action of Debt, Bill, Plaint, or Information, in which no Escoin, Privilege, Protection, or Wager of Law, shall be allowed, and only one Impar lance.

Penalty 20 l.
per Day.

Stat. 3 G. I. ch. 8.

Enacted, That no Member of the Bank of England shall be disabled from being a Member of Parliament. No Member
of the Bank,

3

Stat.

Of the Elected.

Stat. 3 G. I. ch. 9.

nor of the
South-Sea
Company,

Enacted, That no Member of the South-Sea Company shall be disabled from being a Member of Parliament.

Stat. 6 G. I. ch. 18.

not Governor,
&c. of Corpo-
rations for As-
surance of
Ships, disabled
from being
Members of
Parliament.

Enacted, That no Governor, Director, or other Officer of the Corporations for Assurance of Ships, shall be disabled from being a Member of Parliament.

Stat. 7 G. I. ch. 28.

The late Go-
vernor and
Directors of
the *South-Sea*
Company dis-
abled.

Enacted, That the late Governor, Deputy-Governor, Directors, Cashier, and Accountant of the South-Sea Company, and John Aislabie Esq. be disabled for ever to sit or vote in either House of Parliament.

Stat. 7 G. II. ch. 16.

Judges of Ses-
sion, Justiciary,
or Exchequer,
incapable to be
elected.

Enacted, That no Judge of the Court of Session, or Justiciary, or Baron of the Court of Exchequer in Scotland, shall be capable of being elected, or of sitting or voting as a Member of the House of Commons, in any Parliament which shall be hereafter summoned and holden.

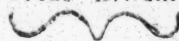
Stat.

Stat. 15 G. II. ch. 22.

From and after the Dissolution, or other Determination of this present Parliament, no Person who shall be Commissioner of the Revenue in Ireland, or Commissioner of the Navy or Victualling Offices, nor any Deputies or Clerks in any of the said Offices, or in any of the several Offices following, that is to say, The Office of Lord High Treasurer, or the Commissioners of the Treasury, or of the Auditor of the Receipt of his Majesty's Exchequer, or of the Tellers of the Exchequer, or of the Chancellor of the Exchequer, or of the Lord High Admiral, or the Commissioners of the Admiralty, or of the Paymasters of the Army, or of the Navy, or of his Majesty's Principal Secretaries of State, or of the Commissioners of the Salt, or of the Commissioners of the Stamps, or of the Commissioners of Appeals, or of the Commissioners of Wine Licences, or of the Commissioners of Hackney Coaches, or of the Commissioners of Hawkers and Pedlars, nor any Persons having any Office, Civil or Military, within the Island of Minorca, or in

Description of
Officers not ad-
mitted to sit in
Parliament.

Great Britain



What Returns
of Members
are declared
void.

Penalty on Per-
sons sitting or
voting, after
disabled by this
Act.

Gibraltar, other than Officers having Commissions in any Regiment there only, shall be capable of being elected, or of sitting or voting as a Member of the House of Commons, in any Parliament, which shall be hereafter summoned and holden.

If any Person hereby disabled or declared to be incapable to sit or vote in any Parliament hereafter to be holden, shall nevertheless be returned as a Member to serve for any County, Stewartry, City, Borough, Town, Cinque Port, or Place in Parliament, such Election and Return are hereby enacted and declared to be void to all Intents and Purposes whatsoever: And if any Person disabled, and declared incapable by this Act to be elected, shall, after the Dissolution, or other Determination of this present Parliament, presume to sit or vote as a Member of the House of Commons in any Parliament to be hereafter summoned, such Person so sitting or voting shall forfeit the Sum of Twenty Pounds for every Day in which he shall sit or vote in the said House of Commons, to such Person or Persons who shall sue for the same in any of His Majesty's Courts at Westminster; and the Money so forfeited, shall be recovered

recovered by the Persons so suing, ^{Great Britain.} with full Costs of Suit, in any of the said Courts, by Action of Debt, Bill, Plaint, or Information, in which no Escoin, Privilege, Protection, or Wager of Law shall be allowed, and only one Imparllance, and shall from thenceforth be incapable of taking, holding, or enjoying any Office of Honour or Profit under His Majesty, His Heirs, or Successors.

Provided, That nothing in this Act shall extend to exclude the Treasurer or Comptroller of the Navy, the Secretaries of the Treasury, the Secretary to the Chancellor of the Exchequer, or Secretaries of the Admiralty, the Under Secretary to any of His Majesty's Principal Secretaries of State, or the Deputy Paymaster of the Army, or to exclude any Person having or holding any Office or Employment for Life, or for so long as he shall behave himself well in his Office; any thing herein contained to the contrary notwithstanding.

Stat. 16 Geo. II. ch. 11.

If any Person shall be chosen a Member to serve in Parliament for any Shire or Stewartry, within that

Great Britain.



Every one
chosen in his
Absence to
serve in Par-
liament, in *Scot-*
land shall
take the Free-
holder's Oath,
before he takes
his Seat.

On refusing
the Oath, the
Election de-
clared void.

Part of Great Britain called Scotland, who shall not be present at the Meeting of Election; be it enacted by the Authority aforesaid, That the Member to serve in Parliament so elected, before he takes his Seat in Parliament, shall take the Oath appointed to be taken by every Freeholder, who shall claim to Vote at any Election of a Member to serve in Parliament, by the Act of the Seventh Year of His present Majesty, (intituled, An Act for the better regulating the Election of Members to serve in the House of Commons, for that Part of *Great Britain* called *Scotland*; and for incapacitating the Judges of the Court of Session, Court of Justiciary, Barons of the Court of Exchequer in *Scotland*, to be elected, or to sit or vote as Members of the House of Commons) before the Lord Steward of his Majesty's Household, or any Person or Persons authorized by him for that Effect, which he or they are hereby impowered and required to administer; and if a Member to serve in Parliament, so elected, shall neglect or refuse to take the aforesaid Oath, such Election shall be void.

Of the Officers returning.

England.

Stat. 5 R. II. ch. 4.

THE King both Will and Com-
mand, and it is assented in
the Parliament by the Prelates,
Lords and Commons, that if any
Sheriff of the Realm be from
henceforth negligent in making his
Returns of Writs of Parliament,
or that he leave out of the said Re-
turns any Cities or Boroughs which
be bound, and of old Time were
wont, to come to the Parliament; he
shall be amerced, or otherwise pu-
nished in the Manner as was ac-
customed to be done in the said Case
in Times past.

Sheriffs neg-
lecting to
make Returns,
or leaving out
the Returns of
Cities or Bo-
roughs, shall
be amerced, or
otherwise pu-
nished, as in
old Times ac-
customed.

Stat. 7 H. IV. ch. 15.

Ordained, &c. That from hence-
forth (in order to the Elections of
Knights of Counties for the Parliament)

Proclamation
to be made at
the next Coun-
ty-Court after

England.
 the Delivery of
 the Writ to the
 Sheriff for the
 Election of
 Knights of the
 Shires.

Sheriff's Return after the
 Election shall
 be by Indenture, (containing
 the Names
 of the Persons
 chosen) sealed
 by the Electors,
 and annexed to
 the Writ.

at the next County to be holden after the Delivery of the Writ of the Parliament, Proclamation shall be made in the full County of the Day and Place of the Parliament, and that all they that be there present, as well Suitors duly summoned for the same Cause as other, shall attend to the Election of the Knights for the Parliament, and then in the full County they shall proceed to the Election freely and indifferently, notwithstanding any Request or Commandment to the contrary.

And after that they be chosen, the Names of the Persons so chosen (be they present or absent) shall be written in an Indenture under the Seals of all them that did choose them, and tacked to the same Writ of the Parliament, which Indenture so sealed and tacked, shall be holden for the Sheriff's Return of the said Writ touching the Knights of the Shires.

In Writs of Parliament hereafter to be made, this Clause shall be put; *Electiorem tuam in pleno Comitatu factam sub sigillo tuo, Et sigillis eorum qui electioni illi interfuerant, nobis in Cancellariis*

Of the Officers returning.

131

*cellaria nra' ad diem & locum in brevi
content' certifies indilate.*

England.

Stat. 11 H. IV. ch. 1.

Forasmuch as in the Statute (7 H. 4. ch. 15.) no Penalty was ordained or limited in special upon the Sheriffs of the County, if they make any Returns contrary to the same Statute, It is ordained, that the Justices assigned to take Assizes, shall have Power to inquire at their Sessions of Assizes of such Returns made; and if it be found by Inquest and due Examination before the same Justices, that any such Sheriff hath made, or hereafter make any Return contrary to the Tenor of the said Statute, that then the same Sheriff shall incur the Penalty of 100 l. to be paid to our Lord the King.

Of Returns made by Sheriffs, contrary to the Statute 7 H. 4. ch. 15. Justices of Assize empowered to inquire, and on Inquest and Proof made thereof, such Sheriffs to pay 100 l. to the King.

Stat. 6 Hen. VI. ch. 4.

Ordained, &c. That all Sheriffs shall have their Answer and Traverse to Inquests and Offices, before any Justices of Assizes hereafter to be taken, (upon the Stat. 7 Hen. IV. chapter 15. and 11 Hen. IV. ch. 1.) and the said Sheriffs shall not be endamaged unto

Sheriffs shall have their Traverses to Inquests, &c. upon the Stat. 7 H. 4. ch. 15. & 11 H. 4. ch. 1.

England.

unto our Lord the King, or his Successors, for any such Inquest taken, or to be taken, until they be duly convicted according to the Form of Law.

Stat. 8 Hen. VI. ch. 7.

Sheriffs to return such as have the Majority of those that can expend 40 s. a Year. Knights of the Shire by Indentures betwixt themselves and the Electors.

Provided, &c. That such to be chosen Knights of the Shire, as have the greatest Number of them that may expend 40 s. by Year and above, shall be returned by the Sheriffs of every County, Knights for Parliament, by Indentures sealed betwixt the said Sheriffs and the said Choosers so to be made.

The Sheriffs empowered to examine each Elector upon Oath, how much he can expend a Year.

And every Sheriff of the Realm of England shall have Power to examine upon the Evangelists every such Chooser, how much he may expend by the Year.

Of Sheriffs Returns contrary to this Act, Justices of Assizes are empowered to inquire.

And if any Sheriff return Knights to come to the Parliament contrary to the said Ordinance, the Justices of Assizes, in their Sessions of Assizes, shall have Power thereof to inquire.

If found by Inquests, and the Sheriff thereof attainted, he shall pay 100 l. to the King, and be imprisoned.

And if by Inquest the same be found before the Justices, and the Sheriff thereof be duly attainted, that then the said Sheriff shall incur the Penalty of 100 l. to be paid to our Lord the

Of the Officers returning.

133

the King, and also that he have Imprisonment by a Year, without being let to Mainprise or Bail.

England.
fined a Year
without Bail.

And that in every Writ hereafter to go forth, Mention shall be made of this Ordinance.

Stat. 23 Hen. VI. ch. 15.

Ordained, &c. That every Sheriff, after the Delivery of any Writ (of Election) to him made, shall make and deliver without Fraud, a sufficient Precept under his Seal to every Mayor and Bailiff, or to Bailiffs or Bailiff where no Mayor is, of the Cities and Boroughs within his County, reciting the said Writ, commanding them by his Precept, if it be a City, to choose by Citizens of the same City, Citizens, and in the same Manner and Form, if it be a Borough, by the Burgesses of the same, to come to the Parliament.

Sheriff, after the Receipt of a Writ of Election, to deliver a Precept under his Seal to every Mayor, Bailiff, &c. of the Cities and Boroughs within his County, reciting his Writ, and commanding them by Citizens and Burgesses to choose Citizens and Burgesses.

And that the same Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, shall return lawfully the Precept to the same Sheriff by Indentures betwixt the same Sheriff and them to be made, of the said Elections

Mayors, Bailiffs, &c. to return the Precept to the Sheriff, by Indentures of the Election, and the Names of the Elected made betwixt them.

England.

Sheriffs there-
upon to return
the Writ, and
every Return
made by such
Mayors, Bai-
liffs, &c.

Sheriffs acting
contra y to this
Statute, or any
other statute
for Elections,
to pay 100 l.
to the King,
and suffer a
Year's Impri-
sonment, with-
out Bail, (*per*
Stat. 8 Hen. 6.
ch. 7.) and for-
feit to every
Person chosen
a Knight, Citi-
zen, or Bur-
gess, and not
duly returned,
or to any other
which in their
Default will
sue, 100 l. to
be recovered
by Action of
Debt against
the Sheriff, his
Executors, or
Administra-
tors, with
Costs, wherein
no Wager of
Law, &c. to
be allowed.

Elections, and of the Names of the
said Citizens and Burgeses by them
so chosen; and thereupon every She-
riff shall make a good and rightful
Return of every such Writ, and of
every Return by the Mayors and
Bailiffs, or Bailiffs or Bailiff where
no Mayor is, to him made.

And that every Sheriff, at every
Time that he doth contrary to this
Statute, or any other Statutes for
the Election of Knights, Citizens,
and Burgeses to come to the Parlia-
ment, before this Time made, shall
incur the Pain contained in the Sta-
tute, made the 8th Year (of the now
King's Reign) and moreover shall for-
feit and pay to every Person here-
after chosen Knight, Citizen, or
Burgess in his County to come to
any Parliament, and not duly re-
turned, or to any other Person which
in Default of such Knight, Citizen,
or Burgess will sue, an Hundred
Pound, whereof every Knight, Citi-
zen, and Burgess so grieved, leve-
rally, or any other Person which in
their Default will sue, shall have his
Action of Debt against the said She-
riff, or his Executors or Administra-
tors, to demand and have the said
100 l. with his Costs spent in that

Case

Cafe, and that in such Action taken by Virtue of this Statute, the Defendant shall not wage his Law of the Demand aforesaid in any wise. And that no Defendant in such Action shall have any Essoin.

And in the same manner at every Time that any Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, shall return other than those which be chosen by the Citizens and Burgeses of the Cities or Boroughs where such Elections be, or shall be made, shall incur and forfeit to the King 40 l. and moreover shall forfeit and pay to every Person hereafter chosen Citizen or Burgeses to come to the Parliament, and not by the same Mayor and Bailiff, or Bailiff or Bailiffs where no Mayor is, returned, or to any other Person, which in Default of such Citizen or Burgeses so chosen will sue, 40 l. whereof every of the Citizens and Burgeses so grieved, severally, or any other Person which in their Default will sue, shall have his Action of Debt against every of the said Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, against their Executors or Administrators, to demand and have of every of the said

Mayors, Bailiffs, &c. returning other than those chosen by Citizens and Burgeses, shall forfeit 40 l. to the King, and to every Person chosen a Citizen or Burgeses, and not by them returned, or to any other that in Default of such Citizen or Burgeses will sue, 40 l. (more) to be recovered by like Action of Debt, with Costs

England.

~ said Mayors and Bailiffs, or Bailiffs or Bailiff where no Mayor is, 40 l. with his Costs in this Case expended.

And that in such Action of Debt taken by Force of this Statute, no Defendant in any wise shall wage his Law of the said Demand, nor have any Escoin.

And that every Sheriff that maketh no due Election of Knights to come to the Parliament in convenient Time, (that is to say) every Sheriff in his full County, betwixt the Hour of Eight and the Hour of Eleven before Noon, without Collusion in this Behalf, and that maketh not good and true Return of such Elections of Knights to come to the Parliament, in time to come, as to them pertaineth, in Manner and Form aforesaid, shall forfeit to the King an Hundred Pound, and also shall incur the Pain of 100 l. to be paid to him that will sue against him, his Executors or Administrators, for this Cause, by way of Action of Debt, with his Costs in the Behalf expended, without waging of Law of his Demand, or having Escoin as before is said.

Sheriff not making Election of Knights of the Shire in a full County Court, between 8 and 11 in the Morning, and a good Return accordingly, to forfeit 100 l. to the King, and 100 l. more to him that will sue, to be recovered by like Action of Debt, with Costs.

Provided

Of the Officers returning.

137

Provided always, That every Knight, Citizen and Burgeſs, to come to any Parliament hereafter to be holden, in due Form choſen, and not returned as afore is ſaid, ſhall begin his Action of Debt aforeſaid, within three Months after the ſame Parliament commenced, to proceed in the ſame Suit effectually without Fraud. And if he doth not ſo, another that will ſue ſhall have the ſaid Action of Debt, (as it is before ſaid) and ſhall recover the ſame with his Coſts ſpent in this Behalf, in Manner and Form aforeſaid, ſo that no Defendant in ſuch Action ſhall wage his Law, nor be eſſoin'd in any wiſe, as afore is ſaid. And that ſuch Proceſs ſhall be in the Actions aforeſaid, as in a Writ of Treſpaſs done againſt the Peace at the Common Law.

So that the Knights of the Shires for the Parliament hereafter to be choſen, ſhall be notable Knights of the ſame Counties for which they ſhall be choſen, or otherwiſe ſuch notable Eſquires or Gentlemen, after born of the ſame Counties, as ſhall be able to be Knights; and no Man to be ſuch Knight which ſtandeth in the Degree of a Yeoman and under.

Stat.

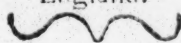
England.

Such Actions to be brought by ſuch Knight, Citizen, and Burgeſs within 3 Months after the Commencement of ſuch Parliament, and to be proceeded in without Fraud. And after that time by any other.

Like Proceſs to be in ſuch Actions as in Treſpaſs at Common Law.

Provided, That Knights of the Shires be Knights of the Counties they ſhall be elected for, or Eſquires or Gentlemen, able to be Knights, and not Yeomen or under.

England.



Stat. 27 H. VIII. ch. 26.

Duties of Sheriffs and other returning Officers in *Wales*, like the same in *England*.

Enacted, &c. That Elections shall be made for the Sheriffs and Boroughs in *Monmouth-Shire* (heretofore Part of *Wales*) and in *Wales*, in like Manner, Form, and Order as Knights and Burgesses of the Parliament be elected and chosen in other Shires of this Realm.

Stat. 34 & 35 H. VIII. ch. 13.

Writ of Election under the Great Seal for Elections in *Chester*, to be directed to the Chamberlain, &c. of *Chester*, and his Precept thereon to the Sheriff of the County.

Enacted, &c. That the County Palatine of *Chester* shall have two Knights for the said County Palatine, and likewise two Citizens to be Burgesses for the City of *Chester*, to be elected and chosen by Process to be awarded by the Chancellor of England unto the Chamberlain of *Chester*, his Lieutenant or Deputy for the Time being, and so like Process to be made by the Chamberlain, his Lieutenant or Deputy, to the Sheriff of the said County of *Chester*, and the same Election to be made in like Manner and Form to all Intents, Constructions, and Purposes, as is used within the County Palatine of *Lancaster*, or any other County and City within this Realm of England.

Of the Officers returning.

139

which said Knights and Burgesſes, and every of them ſo elected and choſen, ſhall be returned by the ſaid Sheriff into the Chancery of England in due Form, and upon like Pains as it is ordained that the Sheriff or Sheriffs of any other County ſhould make their Return in caſe like.

England.
Sheriff of
Cheſter to
make like Re-
turns, and on
like Pains as o-
ther Sheriffs.

Stat. 35 H. VIII. ch. 11.

Enacted, &c. That the Burgeſſes of all and every Cities, Boroughs, and Towns (in the Twelve Shires within Wales and County of Monmouth, not finding Burgeſſes for the Parliament themſelves, and contributory to Wages of Burgeſſes of ſuch Shire-towns) ſhall be lawfully admoniſhed by Proclamation or otherwiſe by the Mayors, Bailiffs, and other Head Officers of the ſaid Towns, or by One of them, to come and give their Elections for the electing the ſaid Burgeſſes at ſuch Time and Place lawful and reaſonable, as ſhall be aſſigned for the ſame Intent by the ſaid Mayors, Bailiffs, and other Head Officers of the ſaid Shire-towns, or by One of them.

Mayors, Bailiffs, &c. of the 12 Shires-towns in Wales, and of Monmouthſhire, ſhall ſummon the Burgeſſes as well of all other Cities, Boroughs, and Towns in thoſe Counties as of Burgeſſes of thoſe Towns themſelves, to come to Elections.

R

Stat.

Stat. 25 C. II. ch. 9.

Writ of Election under the Great Seal, for Elections in *Durham*, to be directed to the *Bishop of Durham*, &c. and his Precept thereon to the Sheriff of that County.

Enacted, &c. That the County Palatine of Durham may have Two Knights for the same County, and the City of Durham Two Citizens to be Burgeses for the same City for ever hereafter to serve in the High Court of Parliament, to be elected and chosen by Writ to be awarded by the Lord Chancellor or Lord Keeper of the Great Seal of England, for the time being, in that Behalf, to the Lord Bishop of Durham, or his Temporal Chancellor of the said County of Durham, and a Precept to be thereupon grounded and made by the Lord Bishop of Durham, or his Temporal Chancellor for the time being, to the Sheriff of the said County for the time being; and the same Election from time to time to be made in Manner and Form following (that is to say) the Elections of the Knights to serve for the said County Palatine from time to time to be made by the greater Number of the Freeholders of the said County Palatine of Durham, which from time to time shall be present at such Elections, accordingly as is used in other Counties of this Kingdom, and that the Election of the

Of the Officers returning.

141

the said Burgesſes from time to time to ſerve in the High Court of Parlia- ment for the City of Durham, to be made from time to time by the ma- jor Part of the Mayor, Aldermen, and Freemen of the ſaid City of Dur- ham, which from time to time ſhall be preſent at ſuch Elections, which ſaid Knights and Burgeſſes, and e- very of them ſo elected or choſen, ſhall be returned by the ſaid Sheriff into the Chancery of England in due Form, and upon the like Pains as be ordained for the Sheriff or She- riffs of any other County of this Kingdom to make his or their Re- turns in like Caſes.

England.

Sheriff of Durham to make like Re- turns, and un- der like Pains, as other Sheriffs.

Stat. 7 & 8 W. III. ch. 7. continued by
Stat. 12 & 13 W. III. ch. 5.

Enacted, &c. That all falſe Re- turns wilfully made of any Knight of the Shire, Citizen, Burgeſſes, Baron of the Cinque-ports, or o- ther Members to ſerve in Parlia- ment, are againſt Law, and are here- by prohibited, and in caſe that any Perſon or Perſons ſhall return any Member to ſerve in Parliament for any County, City, Borough, Cinque- port, or Place, contrary to the laſt

Falſe Returns illegal and pro- hibited, and all made con- trary to the laſt Determi- nation of the Right of Elec- tion in the Houſe of Com- mons, ad- judged a falſe Return.

Of the Officers returning.

Determination in the House of Commons of the Right of Election in such County, City, Borough, Cinque-port or Place, that such Return so made, shall, and is hereby adjudged to be a false Return.

Officers, &c.
making such
false Return,
liable to an Ac-
tion at the Suit
of any duly
elected in any
of the Courts
at *Westminster*,
with double
Damages and
full Costs.

The Party so grieved (to wit) every Person that shall be duly elected to serve in Parliament for any County, City, Borough, Cinque-port, or Place, by such false Return, may sue the Officers and Persons making or procuring the same, and every or any of them at his Election, in any of His Majesty's Courts of Record at *Westminster*, and shall recover double the Damages he shall sustain by reason thereof, together with his full Costs of such Suit.

Officers, &c.
falsely, &c.
making double
Returns, liable
to the like Ac-
tion.

Any Officer that shall wilfully, falsely, and maliciously, return more Persons than are required to be chosen by the Writ or Precept on which any Choice is made, the like Remedy may be had against him or them, and the Party or Parties that wilfully procure the same, and every or any of them, by the Party grieved at his Election.

Contracts,
Bonds, &c.
given to pro-
cure the Re-

All Contracts, Promises, Bonds, and Securities whatsoever, hereafter made or given, to procure any Return

Of the Officers returning.

143

of any Member to serve in Parli-
ment, or any thing relating thereunto,
be adjudged void, and that whoever
makes or gives such Contract, Secu-
rity, Promise, or Bond, or any Gift
or Reward to procure such false or
double Return, shall forfeit the Sum
of Three hundred Pounds, one Third
Part thereof to be to his Majesty,
another Third Part thereof to the
Poor of the County, City, Borough,
or Place concerned, and one Third
Part thereof to the Informer, with
his Costs, to be recovered in any
of his Majesty's Courts of Record
at Westminster by Action of Debt,
Bill, Plaint, or Information, where-
in no Essoin, Protection, or Wager
of Law shall be allowed, nor more than
one Impar lance.

England.

turn of any
Member ad-
judged void,
and such as
make or give
them to pro-
cure any false
or double Re-
turn, forfeit
300*l*. One
Third to the
King, another
to the Poor of
the County,
City, &c.
and a Third
to the Inform-
er, with his
Costs, to be
recovered by
Action of
Debt, &c.
wherein no
Essoin, &c.
and but one
Impar lance to
be allowed.

*The Clerk of the Crown to keep a Book of En-
try of every single and double Return, and of
every Alteration and Amendment in every
such Return, whereto all Persons to have
Access, and take Copies of so much as desired,
at a reasonable Fee. And if the Clerk of the
Crown makes not such Entry in Six Days af-
ter any Return, or alters any Return without
Order of the House of Commons, or gives a
Certificate of any Person not returned, or
wilfully neglects or omits his Duty herein, to*

Of the Officers returning.

forfeit Five hundred Pounds for each Offence to the Party grieved, to be recovered as aforesaid, and lose his Office, and be for ever incapable of holding it.

Informations
or Actions on
this Statute to
be brought
within 2 Years
after the Cause
of Action.

Every Information or Action brought upon this Statute, shall be brought within the Space of Two Years after the Cause of Action shall arise, and not after.

Stat. 7 & 8 W. III. ch. 25.

Writs of Summons to Parliament to have Forty Days between the Telle and Returns, and be issued with all Expedition, and delivered to the proper Officer to whom its Execution belongs, who shall indorse thereon the Day he received it, and within 3 Days issue out his Precept to the like proper Officer of each Borough, &c. that elects, who shall also indorse the Day

Enacted, &c. That when any new Parliament shall at any Time hereafter be summoned or called, there shall be Forty Days between the Telle and Returns of the Writs of Summons, and that the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the time being, shall issue out Writs for Election of Members to serve in the same Parliament with as much Expedition as the same may be done; and that as well upon the calling or summoning any new Parliament, as also in case of any Vacancy in Parliament, the several Writs shall be delivered to the proper Officer to whom the Execution thereof doth belong or appertain, and to no other Person

Of the Officers returning.

145

Person whatsoever ; and that every such Officer, upon the Receipt of the same Writ, shall upon the Back thereof indorse the Day he received the same, and shall forthwith, upon the Receipt of the Writ, make out the Precept or Precepts to each Borough, Town-corporate, * Port, or Place within his Jurisdiction, where any Member or Members are to be elected to serve in such new Parliament, or to supply any Vacancy in Parliament, and within Three Days after the Receipt of the said Writ of Election, shall by himself or proper Agent deliver or cause to be delivered such Precept or Precepts to the proper Officer of every such Borough, Town-corporate, Port, or Place within his Jurisdiction, to whom the Execution of such Precept doth belong or appertain, and to no other Person whatsoever ; and every such Officer, upon the Back of the same Precept, shall indorse the Day of his Receipt thereof in the Presence of the Party from whom he received such Precept, and shall forthwith cause Notice to be given of the

England.

of his Receipt of the Precept in the former's Presence, and proceed to Election in 8 Days, and give 4 Days Notice of the Day appointed.

* Proper Officer of the Cinque-ports allowed Six Days from the Receipt of the Writ for the Delivery, by a subsequent Statute, 10 & 11 W. III. ch. 7.

England.

Time and Place of Election, and shall proceed to Election thereupon within the Space of Eight Days next after his Receipt of the same Precept, and give Four Days Notice at least of the Day appointed for the Election.

No Sheriff, &c. in any County or City, nor Mayor, &c. of any Borough, Town-corporate, Port or Place, to whom the Execution of any Writ or Precept belongs, to pay or receive any Fee, &c. for the making out, Receipt, Delivery, Return, or Execution of the same.

Sheriff, for Election of Knights of the Shire, to hold County-Court where the same has been most usually kept for Forty Years last, and proceed to the Election the next Court, unless it happen within six

Neither the Sheriff, nor his Under Sheriff, in any County or City, nor the Mayor, Bailiff, Constable, Portreeve, or other Officer or Officers of any Borough, Town-corporate, Port or Place, to whom the Execution of any Writ or Precept for electing Members to serve in Parliament doth belong or appertain, shall give, pay, receive, or take any Fee, Reward, or Gratuity whatsoever for the making out, Receipt, Delivery, Return, or Execution of any such Writ or Precept.

Upon every Election to be made of any Knight or Knights of the Shire to serve in Parliament, the Sheriff of the County where such Election shall be made, shall hold his County-Court for the same Election at the most publick and usual Place of Election within the said County, and where the same has most usually been for 40 Years last past, and shall there proceed to Election at the next Coun-
ty

Of the Officers returning.

147

ty Court, unless the same fall out to be held within Six Days after the Receipt of the Writ, or upon the same Day, and then shall adjourn the same Court to some convenient Day, giving Ten Days Notice of the Time and Place of Election; and in case the said Election be not determined upon the View with the Consent of the Freeholders there present, but that a Poll shall be required for the Determination thereof; then the said Sheriff, or, in his Absence the Under Sheriff, with such others as shall be deputed by him, shall forthwith there proceed to take the said Poll in some open or publick Place or Places, by the same Sheriff, or his Under Sheriff in his Absence, or others appointed for the taking thereof as aforesaid: And for the more due and orderly Proceeding in the said Poll, the said Sheriff, or, in his Absence his Under Sheriff, or such as he shall depute, shall appoint such Number of Clerks as to him shall seem meet and convenient, for the taking thereof; which Clerks shall all take the said Poll in the Presence of the said Sheriff, or his Under Sheriff, or such as he shall depute; and before they begin to take the

England.

Days after the Receipt of the Writ, or the same Day, and then to adjourn, giving Ten Days Notice of the Time and Place. If a Poll required, the Sheriff, &c. forthwith to proceed thereon publickly, and appoint Clerks to take the Poll in his, &c. Presence, who shall be sworn by him, &c. to take it indifferently, and to set down each Freeholder's Name, the Place of his Freehold, and for whom he polls, and to poll no Freeholder not sworn, if required by any Candidate.

Of the Officers returning.

Sheriffs, &c. to
appoint for
each Candidate
one Person no-
minated by
such Candi-
date, to be In-
spectors of
every Clerk of
the Poll;

and to swear
each Freehold-
er, before his
Poll be taken,
if by any Can-
didate requi-
red, to his
Freehold.

Sheriff, &c. at
the Place of

the said Poll, every Clerk so ap-
pointed shall by the said Sheriff, or
his Under Sheriff aforesaid, be sworn
truly and indifferently to take the
same Poll, and to set down the
Names of each Freeholder, and
the Place of his Freehold, and for
whom he shall poll, and to poll no
Freeholder who is not sworn if so
required by the Candidates, or any
of them (which Oath of the said
Clerks the said Sheriff, or his Under
Sheriff, or such as he shall depute,
are hereby impowered to administer,
and the Sheriff, or his Under Sher-
riff, shall appoint for each Candi-
date, such one Person as shall be
nominated to him by each Candi-
date, to be Inspectors of every Clerk,
who shall be appointed for taking the
Poll; and every Freeholder, before
he is admitted to poll at the same
Election, shall, if required by the
Candidates, or any of them, first
take the Oath (in this Act contained
since altered) Which Oath the Sher-
riff by himself, or his Under Sher-
riff, or such sworn Clerks by him ap-
pointed for taking the said Poll as
aforesaid, are hereby authorized to
administer.

The said Sheriff, or, in his Absence

Of the Officers returning.

149

his Under Sheriff, or such as he shall depute as aforesaid, shall, at the Place of Election, proceed to the Polling all the Freeholders then and there present, and shall not adjourn the County-Court then and there held to any other Town and Place within the same County, without the Consent of the Candidates, nor shall by any unnecessary Adjournment in the same Place of Election, protract or delay the Election; but shall duly and orderly proceed to take the said Poll from Day to Day, and Time to Time, without any further or other Adjournment, without the Consent of the Candidates, until all the Freeholders then and there present shall be polled.

England.

Election to proceed to the Poll, and not adjourn the County-Court to any other Place, without the Candidates Consent, nor without such Consent, delay or discontinue the Poll.

Every Sheriff, Under Sheriff, Mayor, Bailiff, and other Officer, to whom the Execution of any Writ or Precept shall belong, for the electing Members to serve in Parliament, shall forthwith deliver to such Person or Persons as shall desire the same, a Copy of the Poll taken at such Election, paying only a reasonable Charge for writing the same; and every Sheriff, Under Sheriff, Mayor, Bailiff, and other Officer to whom the Execution of any Writ

Sheriffs, Mayors, &c. to deliver to any Person desiring it, a Copy of the Poll, paying reasonably for writing it.

Sheriffs, Mayors, &c. for every wilful Offence con-

England.

trary to this
Act, forfeits
to each Party
grieved 500 *l.*
to be recover-
ed by him, his
Executors, &c.
with full Costs,
by Action of
Debt, &c.
wherein no
Essoin, &c.
to be allowed.

or Precept for electing of Members
to serve in Parliament doth belong,
for every wilful Offence contrary to
this Act, shall forfeit to every Party
so aggrieved the Sum of Five hun-
dred Pounds, to be recovered by him
or them, his or their Executors or
Administrators, together with full
Costs of Suit, and for which he or
they may sue by Action of Debt,
Bill, Plaint, or Information, in
any of His Majesty's Courts at
Westminster, wherein no Essoin,
Protection, Wager of Law, Privi-
lege, or Imparllance shall be admitted
or allowed.

The Return of
any Person cho-
sen under 21
Years, void.

Every Return of any Person un-
der the Age of Twenty one Years
is hereby declared to be null and
void.

County-
Courts for
Yorkshire and
others used to
be held on a
Monday, to be
called and held
on a *Wednes-*
day.

All County-Courts to be held for
the County of York, or any other
County-Courts, which heretofore
used to be held on a Monday, shall
be called and begun upon a Wed-
nesday, and not otherwise; any Cu-
stom or Usage to the contrary not-
withstanding.

Sheriff, &c of
Hampshire, at
the Request of
any Candidate
of that County,

The Sheriff of the County of
Southampton, or his Deputy, at the
Request of one or more of the Can-
didates for Election of a Knight

Of the Officers returning.

151

Knights of that County, shall adjourn the Poll from Winchester, after every Freeholder then and there present is polled, to Newport in the Isle of Wight, for the Ease of the Inhabitants of the said Island; any thing in this Act contained to the contrary notwithstanding.

England.

to adjourn after the End of the Poll at *Winchester* to *Newport* in the Isle of *Wight*.

Stat. 7 & 8 W. III. ch. 27.

Enacted, &c. That no Person which shall refuse to take the Oaths (of Allegiance and Supremacy, which see in the Appendix) directed by an Act made in the first Year of the Reign of His present Majesty and the late Queen Mary, or being Quakers, shall refuse to subscribe the Declaration of Fidelity directed by one other Act of Parliament made in the said first Year of the Reign of His present Majesty and the late Queen, (which see also in the Appendix) (which Oaths and Subscription respectively the Sheriff or Chief Officer taking the Poll at any Election of Members to serve in Parliament, at the Request of any one of the Candidates, shall hereby impowered and required to administer) shall be admitted to give any Vote for the Election of any

Sheriffs, &c. on the Poll at any Election, to administer the Oaths of Allegiance and Supremacy to Electors, (and if Quakers, the Declaration of Fidelity) at the Request of any Candidate; and on Refusal, not to admit them to vote.

England.

any Knight of the Shire, Citizen, Burgess, or Baron of the Cinqueports, to serve in Parliament.

Stat. 10 & 11 W. III. ch. 7.

Sheriffs, &c. by themselves or Deputies, on or before the Day any Parliament shall be called to meet, and not exceeding Fourteen Days after any Election made, to make his Return to the Clerk of the Crown, &c.

Enacted, &c. That the Sheriff or other Officer having the Execution and Return of any Writ to Parliament for the future, shall, on or before the Day that any future Parliament shall be called to meet, and with all convenient Expedition, not exceeding Fourteen Days after any Election made by virtue of any new Writ, either in Person, or by his Deputy, make Returns of the same to the Clerk of the Crown in the High Court of Chancery, to be by him filed, &c. and pay to the Clerk of the Crown 4 s. for every Knight of the Shire, and 2 s. for every Citizen, Burgess, &c. which the Sheriff, &c. shall charge to the King, and have allowed upon his Account.

(See the Stat. 7 & 8 W. III. ch. 25. page 145.)

The proper Officer of the Cinqueports shall be allowed Six Days from the Receipt of such Writ for the Delivery of the Precept according to the Purport of the Act (7 & 8 W. III. ch. 25.) any thing in the said Act, or any other Law, Statute, or Usage

Of the Officers returning.

153

Usage to the contrary in any wise notwithstanding.

Gr. Britain.

Every Sheriff, or other Officer or Officers aforesaid, who shall not make the Returns, according to the true Intent and Meaning of this Act, shall forfeit for every such Offence the Sum of 500 l. one Moiety whereof shall be to His Majesty, and the other Moiety to him or them that will sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Wager of Law shall be allowed, or more than one Impar lance.

Sheriffs, &c. not making Returns accordingly, to forfeit for each Offence 500 l. one Moiety to the King, the other to him that will sue by Action of Debt, &c. wherein no Essoin, &c. to be allowed, and but one Impar lance.

Stat. 6 *Annæ*, ch. 6.

Enacted, &c. That when any Parliament shall hereafter be summoned or called, the Forty-five Representatives of Scotland, in the House of Commons in the Parliament of Great Britain, shall be elected and chosen by Authority of the Queen's Writs, under the Great Seal of Great Britain, directed to the several Sheriffs and Stewarts of the respective Shires and Stewartries, and the said several Sheriffs and Stewarts

Writs to issue to the respective Sheriffs or Stewarts, for choosing the 45 Representatives of Scotland to Parliament.

Gr. Britain.

Sheriffs, &c.
thereon, forth-
with to give
Notice of the
Time of Elec-
tion for the
Shires.

Clerks of the
Meetings
forthwith to
return the
Names of the
elected to the
Sheriff, who
is to annex and
return it with
his Writ.

Sheriff of *E-
dinburgh*, on
Receipt of his
Writ, forth-
with to direct
his Precept to
the Lord Pro-
vost, for elect-
ing the Burgers
for that City.

Common
Clerk of *Edin-
burgh*, to cer-
tify the Name
of the elected
to the Sheriff,
who is to an-
nex and return
it with the
Writ.

Sheriffs, &c.
in like Manner
to direct their
Precepts to the
Royal Burghs,
for the electing
a Commis-
sioner.

arts Hall, on Receipt of such Writs, forthwith give Notice of the Time of Election for the Knights or Commissioners for their respective Shires or Stewartries: And the Clerks of the said Meetings, immediately after the said Elections are over, shall respectively return the Names of the Persons elected to the Sheriff or Stewart of the Shire or Stewartry, who shall annex it to his Writ, and return it with the same into the Court out of which the Writ is issued.

And as to the Manner of Election of the Fifteen Representatives of the Royal Burghs, the Sheriff of the Shire of Edinburgh shall, on Receipt of the Writ directed to him, forthwith direct his Precept to the Lord Provost of Edinburgh, to cause a Burgers to be elected for that City, and their common Clerk shall certify the Name of the Member elected to the Sheriff of Edinburgh, who shall annex it to his Writ, and return it with the same into the Court, from which the Writ issued.

As to the other Royal Burghs divided into Fourteen Classes or Districts, the Sheriffs or Stewarts of the several Shires and Stewartries shall, on the Receipt of their several Writs

Of the Officers returning.

155

Writs, forthwith direct their sever-
al Precepts to every Royal Burgh
within their respective Shires or
Stewartries, reciting therein the
Contents of the Writ, and the Date
hereof, and commanding them forth-
with to elect each of them a Commis-
sioner as they used formerly to elect
Commissioners to the Parliament
of Scotland, and to order the said
respective Commissioners to meet at
the presiding Borough of their re-
spective District (naming the said
presiding Borough) upon the Thirti-
eth Day after the Day of the Tesse
of the Writ, unless it be upon the
Lord's Day, commonly called Sun-
day, and then the next Day after,
and then to choose their Burgesses for
the Parliament: And the common
Clerk of the then presiding Borough
shall, immediately after the Election,
return the Name of the Person so
elected to the Sheriff or Stewart of
the Shire or Stewartry wherein such
presiding Borough is, who shall an-
nex it to his Writ, and return it
with the same into the Court from
whence the Writ issued: And in case
a Vacancy shall happen in Time of
Parliament, by the Decease or le-
gal Incapacity of any Member, a

Gr. Britain.
for each, and
the Commis-
sioners of each
District to
meet at the
presiding Bo-
rough (by
Name) for
each District
on the 30th
Day after the
Tesse of the
Writ, unless
Sunday, and
then Mon-
day, to choose
their Burgesses.

Common
Clerk of such
presiding Bo-
rough forth-
with to return
the Name of
the elected to
the Sheriff,
&c. in whose
Shire such Bo-
rough is, who
is to annex and
return it with
his Writ.

L

new

Gr. Britain.

Like Method to be taken by Sheriffs, &c. in case of Vacancy in Parliament Time, by Decease or Incapacity of a Member; and if for Burghs the presiding Burgh at the last to preside at the new Election.

In Writs to Sheriffs, the Election of a Knight to be omitted, if the Shires (where a Royal Burgh is) have not then a Turn to elect.

new Member shall be elected in his Room, conformable to the Method herein before appointed; and in case such Vacancy be of a Representative for any One of the said Fourteen Classes or Districts of the said Royal Boroughs, that Borough which presided at the Election of the deceased or disabled Member, shall be the presiding Borough at such new Election.

Provided always, That upon the issuing of the Writs of Summons for the electing of a Parliament, if any Shire or Stewartry where a Royal Borough is, hath not then a Turn or Right to elect a Commissioner or Knight of the Shire or Stewartry for that Parliament, that then it shall be omitted out of the Writ directed to such Sheriff or Stewart, to cause a Knight or Commissioner for that Shire or Stewartry to be elected for that Parliament.

Stat. 6 *Annæ*, ch. 23.

Sheriff, Presidents of Meetings, &c. on the Poll at any Election of Members of Parliament for Great Britain,

Enacted, &c. That every Person who shall refuse to take the Oath (or Abjuration; which see in the Appendix) or being a Quaker, shall refuse to declare the Oath thereof upon his solemn Affirmation, as directed by an

Of the Officers returning.

157

Act of Parliament made in the Seventh Year of the Reign of his late Majesty King William (the Form whereof see also in the Appendix) which Oath or Declaration the Sheriff, President of the Meeting, or Chief Officer taking the Poll at any Election of Members to serve in the House of Commons for any Place in Great Britain, or Commissioners for choosing Burgesses for any Place in Scotland, at the Request of any Candidate or others to administer the Abjuration Oath (or upon Affirmation to Quakers) and Electors refusing it disabled to vote.

Stat. 9 *Annæ*, ch. 5.

Enacted, That every Person (except the eldest Son or Heir Apparent of a Peer, or of a Person qualified by this Act to serve as a Knight of the Shire, or such as shall be elected for each of the Universities of *England*) shall upon Request, at the Time of the Election, or before the Day to be prefixed in the Writ

Gr. Britain.

of Summons for the Meeting of (any Subsequent) Parliament, by any other Person who shall stand Candidate at such Election, or by any Two or more Persons having a Right to vote at such Election, take a Corporal Oath in the Form, (in this Act contained, which see in the Appendix.)

The Oaths to be administered by the Sheriff or other Officer by whom the Poll is to be taken, and Return made, or 2 or more Justices of the Peace

Who are to certify the same into the Chancery or Queen's Bench within 3 Months, under 100^l. Forfeiture, to be recovered by Action of Debt, &c. half to the Queen, and half to him that sues, with full Costs.

The respective Oaths aforesaid shall be administered by the Sheriff or Under Sheriff for any County, or by the Mayor, Bailiff, or other Officers or Officers for any City, Borough, &c. to whom it shall appertain to take the Poll, or make the Return at such Election, or by any Two or more Justices of the Peace within England, &c. and the said Sheriff, Mayor, Bailiff, or other Officers, and the said Justices of the Peace respectively, are hereby required to certify the taking thereof into Her Majesty's High Court of Chancery, or the Queen's Bench, within Three Months after the taking the same, under the Penalty of forfeiting One hundred Pounds, one Moiety to the Queen, and the other Moiety to such Person or Persons as will sue for the same, to be recovered with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of

Of the Officers returning.

159

Her Majesty's Courts of Record at Gr. Britain.
Westminster.

No Fee or Reward shall be taken for administering any Oath, or making, receiving, or filing the Certificate thereof, except One Shilling for administering the Oath, and Two Shillings for making the Certificate, and Two Shillings for receiving and filing the same, under the Penalty of Twenty Pounds to be forfeited by the Offender, and to be recovered and divided as aforesaid.

1s. only to be paid for the Oath, 2s. for making, and 2s. for filing the Certificate, under 20l. Forfeiture, to be recovered and divided as above.

Stat. 10 *Annæ*, ch. 23.

Enacted, That upon every Election to be made of a Knight of a Shire within England, every Freeholder before he is admitted to poll, shall, if required by the Candidates, or any of them, or any other Person having a Right to vote, first take the Oath (the Freeholders Oath, see the Appendix) which Oath the Sheriff, &c. is to administer: And in taking the Poll, the Sheriff, &c. shall enter not only the Place of the Elector's Freehold, but also the Place of his Abode, and Jurat' against the Name of every Voter, who shall be tendered and take the Oaths here-

Sheriff, &c. to swear each Freeholder, if by any Candidate or Voter required.

Sheriff, &c. shall enter the Place of the Elector's Freehold, of his Abode, and Jurat' against the Name of every Voter sworn, and

Gr. Britain.

within 20 Days
after the Elec-
tions deliver
the Poll-books
upon Oath to
the Clerk of
the Peace, &c.

Sheriff, &c. to
admit any
Quaker to vote
during the Act
7 W. III. and
accept his Af-
firmation to the
Effect of the
Oath, accord-
ing to the said
Act, instead
thereof; and
enter Affirmatⁿ
against the
Name of such
Quaker.

by required; and the Sheriff, or Re-
turning Officer, shall within Twenty
Days after such Election, deliver
over upon Oath (to be administered by
the Two next Justices of the Peace, One
of the *Quorum*) unto the Clerk of the
Peace of the same County, all the
Poll-books of such Elections; and
in Counties where there are more
than One Clerk of the Peace, the
Original to One, and attested Co-
pies to the rest, to be kept among the
Records of the Sessions of the Peace
for the County: And if any Quaker,
during the Continuance of an
Act, (7 Guil. III.) Intituled, An Act that
the solemn Affirmation and Declaration
of the People called *Quakers*, shall be ac-
cepted instead of an Oath in the usual
Form) shall upon such Election, if
required by the Candidates, or any
of them, declare the Effect of the
said Oath upon his solemn Affirma-
tion, in such Manner and Form
as is directed by the said Act, every
such Quaker shall be capable and ad-
mitted to give his Vote for the E-
lection of any such Member within
England; and every Sheriff, &c. is
hereby authorized and required to
accept such Affirmation instead of
the said Oath, and shall enter Af-

firmatⁿ

Of the Officers returning.

161

firmat' against the Name of every Gr. Britain.
such Quaker.

1 Stat. 12 *Annæ*, ch. 6.

Enacted, That any of the Electors present, suspecting any Person or Persons (either Electors or Candidates for Shires or Stewartries in *Scotland*, after the End of this present Parliament) to have his or their Estates in Trust, and for the Behoof of another, may require the Præses to the Meeting to tender the Oath, (in this Act contained, afterwards altered) and the said Præses is hereby impowered and required to administer the same.

Returning Officers to return Persons elected by a Majority of Freeholders enrolled, and those admitted by them, reserving always the Liberty of objecting against the Persons admitted to, or excluded from the Poll, as formerly.

All Sheriffs of Shires and Stewarts of Stewartries shall, under the Pain of 50 l. Sterling, one Moiety whereof shall be to the Queen, her Heirs and Successors, and the other Moiety to the Person or Persons who shall sue for the same, to be re-

Gr. Britain.
 the Parish
 Churches
 within their
 Jurisdictions 3
 Days before
 the Diet of
 Elections.

covered before the Court of Session, by any Action summarily without abiding the Course of the Roll, to make the publick Intimations required by the Laws of Scotland, at the severall Parish Churches within their respective Jurisdictions, at least Three Days before the Diet of Elections.

Stat. 2 G. II. ch. 24.

Presiding Officer to administer the Oath or Affirmation, on Forfeiture of 50/.

Enacted, That the Oath or Affirmation (which see in the Appendix) the Officer or Officers presiding, or taking the Poll at such Election, is and are hereby impowered and required to administer gratis, if demanded, upon Pain to forfeit the Sum of Fifty Pounds of lawful Money of Great Britain, to any Person that shall sue for the same, to be recovered, together with full Costs of Suit, by Action of Debt, Bill, Complaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Wager of Law, or more than One Imparllance shall be admitted or allowed; and if the said Offence shall be committed in that Part of Great Britain called Scotland, then to be recovered, together with full

Of the Officers returning.

163

Gr. Britain.

Costs of Suit, by summary Action or Complaint before the Court of Session, or by Prosecution before the Court of Justiciary there, for every Neglect or Refusal so to do; and no Person shall be admitted to poll, till he has taken and repeated the said Oath in a publick Manner, in case the same shall be demanded as aforesaid, before the Returning Officer, or such others as shall be legally deputed by him.

Enacted, That if any Sheriff, Mayor, Bailiff, or other Returning Officer shall admit any Person to be polled, without taking such Oath or Affirmation, if demanded, as aforesaid, such Returning Officer shall forfeit the Sum of One hundred Pounds, to be recovered in Manner aforesaid, together with full Costs of Suit; and that if any Person shall vote or poll at such Election, without having first taken the Oath, or, if a Quaker, having made his Affirmation as aforesaid, if demanded, such Person shall incur the same Penalty, which the Officer is subject to for the Offence above-mentioned.

Sheriff or other Returning Officer admitting any to be polled, before sworn, to forfeit 100 £.

Voters to incur the like Penalty.

Enacted, That every Sheriff, Mayor, Bailiff, Headborough, or other Person, being the Returning Officer

Returning Officer, after reading the Writ, to take the following Oath.

Gr. Britain.

Officer of any Member to serve in Parliament, shall, immediately after the reading the Writ or Precept for the Election of such Member, take and subscribe the following Oath, (which see in the Appendix.)

Which Oath any Justice or Justices of the Peace of the said County, City, Corporation, or Borough, where such Election shall be made, or, in his or their Absence, any Three of the Electors, are hereby required and authorized to administer; and such Oath so taken, shall be entered among the Records of the Sessions of such County, City, Corporation, and Borough, as aforesaid.

Pena'ty of wilful Perjury.

Enacted, &c. That if any Returning Officer, Elector, or Person taking the Oath or Affirmation herein before-mentioned, shall be guilty of wilful and corrupt Perjury, or of false affirming, and be thereof convicted by due Course of Law, he shall incur and suffer the Pains and Penalties, which by Law are enacted or inflicted in Cases of wilful and corrupt Perjury.

The Act to be read by the Sheriff, &c. after reading the Writ,

Enacted, That all and every the Sheriffs, Mayors, Bailiffs, and other Officers, to whom the Execution of any Writ or Precept for electing

Of the Officers returning.

165

Gr. Britain.

electing any Member or Members to serve in Parliament shall belong or appertain, shall, and are hereby required, at the Time of such Election immediately after the reading such Writ or Precept, read, or cause to be read, openly before the Electors there assembled, this present Act, and every Clause therein contained; and the same shall also openly be read once in every Year, at the General Quarter-sessions of the Peace to be holden next after Easter, for any County or City, and at every Election of the Chief Magistrate in any Borough, Town-corporate, or Cinque-port, and at the annual Election of Magistrates and Town Counsellors for every Borough within that Part of Great Britain called Scotland.

and at the
Quarter sessions
after
Easter.

Enacted, &c. That every Sheriff, Under Sheriff, Mayor, Bailiff, and other Officer, to whom the Execution of any Writ or Precept for the electing of Members to serve in Parliament doth belong, for every wilful Offence, contrary to this Act, shall forfeit the Sum of 50*l.* to be recovered together with full Costs of Suit, in the Manner before directed,

Wilful Offence forfeits
50*l.*

Provided,

Gr. Britain.

Prosecution to
commence
within Two
Years.

Provided, That no Person shall be made liable to any Incapacity, Disability, Forfeiture, or Penalty, by this Act made or imposed, unless Prosecution be commenced within Two Years after such Incapacity, Disability, Forfeiture, or Penalty shall be incurred, or in case of a Prosecution, the same be carried on without wilful Delay; any thing herein contained to the contrary notwithstanding.

Stat. 6 G. II. ch. 23.

Preamble, re-
citing the Act
7 & 8 W. III.

Whereas by an Act passed 7 & 8 W. III. intituled, An Act for the further regulating Elections, &c. it was enacted, That the Sheriff of any County, upon the Election to be made of any Knight or Knights of the Shire, should proceed to Election at the next County-Court, unless the same should fall out to be held within Six Days after the Receipt of the Writ, or upon the same Day, and then should adjourn the said Court to some convenient Day, giving Ten Days Notice of the Time and Place of Election: And that all County-Courts held for the County of York, or any other County-Courts, which were

Of the Officers returning.

167

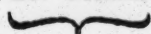
Gr. Britain.

were used to be held on a Monday, should from thenceforth be called and begun on a Wednesday: And whereas there was no expresse Provision to prevent the Adjournment of any County-Court to a Monday, whereby Doubts have arisen whether the same might not be adjourned to a Monday, which is declared by the said Act to be a very inconvenient Day to all the Suitors thereunto, which hath given Occasion to County-Courts being frequently adjourned over to a Monday, to the great Inconvenience of such Suitors, who at Elections for Knights of the Shire, and their Services at other Times, are thereby obliged to travel on Sundays: And whereas there is no Provision made, with relation to not adjourning County-Courts to a Friday or Saturday, which is as inconvenient to all the Suitors as if the same were adjourned to a Monday; for Remedy whereof, be it enacted, That from and after 24 June, 1733, no County-Court whatsoever, held in England, shall be adjourned to a Monday, Friday, or Saturday, and that all and every such Adjournment and Adjournments, and all and every

After 24 June, 1733, no County-Court in England to be adjourned to a Monday, Friday or Saturday:

Act

Gr. Britain.



Act and Deed done or performed at such Courts so adjourned, shall be deemed, adjudged, and taken to be utterly null and void, to all Intents and Purposes whatsoever; any Law, Custom, or Usage to the contrary thereof in any wise notwithstanding. Rep. 18 G. II. c. 18.

But County-Courts begun on any other Days, may be adjourned to those.

Provided nevertheless, That any County-Court begun, holden on, or adjourned to a Day not prohibited by this Act, or the said other recited Act, for electing any Knight or Knights of the Shire for any County, or for hearing and determining Causes, or such other Matters and Business, as are usually transacted at County-Courts within the Limits aforesaid, may be adjourned over from Day to Day, though the same may happen on a Monday, Friday, or Saturday, until such Election, or such other Matters as aforesaid, be fully finished and determined; any thing in this present Act contained to the contrary in any wise notwithstanding.



Stat.

Of the Officers returning.

169

Gr. Britain.

Stat. 7 G. II. ch. 16.

Enacted, That if the Clerk of any Meeting of Freeholders for the Election of a Commissioner to serve in Parliament for any Shire or Stewartry in Scotland, after the First Day of May, One thousand seven hundred and thirty four, shall wilfully return to the Sheriff or Stewart any Person, other than him who shall be duly elected, or if any other Person pretending to be Clerk though not duly elected shall presume to act as Clerk, and wilfully to return to the Sheriff any Person as elected, who shall not be duly elected by the major Part of such Meeting, the Party so offending shall, for every such Offence, forfeit the Sum of Five hundred Pounds Sterling, to be recovered by the Candidate so elected, to whose Prejudice such false Return is made, in such Manner as is herein after directed.

After 1 May,
1734. 500 l.
Penalty on
every false
Return.

Every Sheriff or Stewart in Scotland, who shall wilfully annex to the Writ any false or undue Return, and every common Clerk of any presiding Borough, who shall wilfully return to the Sheriff or Stewart any Person, other than the Person elected,

500 l. Penalty
on neglecting
to return the
Person duly
elected.

Gr. Britain.

To be recovered
in a summary
Way.

Complaints of
undue Returns
to be commenced
in Six Months after
Return.

Who may sue
for such Penalty.

or who shall neglect or refuse to return the Person duly elected, shall forfeit the Sum of Five hundred Pounds Sterling to the Person intitled to have been returned, and not returned, to be recovered from the said Sheriff, Stewart, or common Clerk, their Heirs, Executors, or Administrators respectively, in a summary Way, by Action, Petition, or summary Complaint, before the said Court of Session, upon Service of such Summons, or of a Copy of such Petition or summary Complaint, or Fifteen Days Notice or Warning, without abiding the Course of any Rolls, or further Delay whatsoever, which Action, Petition, or Complaint the Judges of the said Court are hereby required to judge of, and determine with all convenient Speed. Provided always, That such Action, Petition, or Complaint, be commenced, presented, or made within the Space of Six Months after the Return is made; and in case the Person duly elected, and not returned, shall neglect or omit to sue for the said Penalty within the Time before mentioned, then any Freeholder within the Shire or Stewartry, any Magistrate or Person bearing

Dm

Of the Officers returning.

171

Gr. Britain.

Office in any of the Boroughs of the District for which the Return is unduly made, may sue for and recover the same to his own Use, by such Action, Petition, or Complaint, and in such Manner, as is before mentioned, with double Costs of Suit; Provided always, That such Freeholder, Magistrate, or Person bearing Office, shall commence or bring such Action within the Space of Twelve Months after the Return is made. (For the Method of recovering the Penalties, not particularly provided for, see under Electors, p. 36.)

And in what Time.

Stat. 16 G. II. cap. 11.

At every Meeting (*in Scotland*) for an Election of a Commissioner to serve in Parliament, if the Commissioner last elected, or, in his Absence, the Sheriff or Steward's Clerk, shall, in the Choice of Preses or Clerk, receive the Vote of any Person that does not stand upon the Roll, he shall for every such Offence forfeit the Sum of Three hundred Pounds Sterling to every Candidate for the Office of Preses or Clerk respectively, for whom such Person shall not have given his Vote, to be recovered by him or them,

Penalty for taking false Vote

Gr. Britain.

Penalty on re-
fusing good
Votes.

them, his or their Executors respectively, in Manner herein after directed; or if the Commissioner last elected, or, in his Absence, the Sheriff or Steward's Clerk, shall, in the Choice of Preses or Clerk, not call for, or shall refuse, the Vote of any Person whose Name is upon the said Roll, he shall for every such Offence forfeit the like Sum of Three hundred Pounds Sterling to the Person whose Name shall not be called for, or whose Vote shall be refused, to be recovered by him, or his Executors, in the Manner herein after directed; and if the Preses, after he is chosen, shall, in the Election of the Member to serve in Parliament, receive the Vote of any Person who does not stand upon the Roll duly made by the said Meeting, he shall for every such Offence forfeit the Sum of Two hundred Pounds Sterling to every Candidate for whom such Person shall not have given his Vote, to be recovered by him, or his Executors, in the Manner herein after directed; or if the Preses, after he is chosen, shall, in the Election of the Member to serve in Parliament, not call for, or shall refuse the Vote of any Person whose Name is upon the said Roll

Of the Officers returning.

173

Gr. Britain.

made up, as aforesaid, he shall for every such Offence forfeit the like Sum of Two hundred Pounds Sterling to the Person whose Name shall not be called for, or whose Vote shall be refused, to be recovered by him, or his Executors, in the Manner herein after directed: And it is hereby declared, That in case of Equality of Votes in the Choice of Preses or Clerk, the Commissioner last elected, and in his Absence, any Freeholder present who last represented the Shire or Stewartry in any former Parliament; and if no such Person is present, the Freeholder present who presided last at any Meeting for any Election, and in his Absence the Freeholder who last presided at any Michaelmas Meeting; and if none of the said Persons shall be present, the Freeholder present who stands first on the Roll, shall, besides their own Votes as Freeholders, have the casting and determining Vote; and that the Preses chosen, shall after his Election, in the Choice of the Commissioner to serve in Parliament, and all other Questions, where the Votes are equal, in like Manner, besides his own Vote as a Freeholder, have the casting and determining Vote.

On Equality of Votes, in choosing a Clerk, who shall have the casting Vote.

Of the Officers returning.

The Clerk being chosen by the Majority of Freeholders, no separated Party shall choose another.

Penalty on separating from the Freeholders.

Penalty on acting as Clerk, without Authority.

The Persons chosen to be Preses and Clerk, by the Majority of the Freeholders present, standing on the Roll, shall be Preses and Clerk of the Meeting for such Election; and it shall not be lawful for any Number of Freeholders to separate from the Majority of the Persons present, who stand upon the said Roll, and set up any Person as Preses or Clerk, other than those who shall be chosen by the Majority of the Freeholders present, standing on the said Roll; and it shall not be lawful for any Person to act as Preses or Clerk at any such Election, unless they are chosen by the Majority of Persons standing on the said Roll; and every Freeholder who shall so separate from the Majority of the Freeholders on the Roll, and set up any Person as Preses or Clerk, other than those who shall be chosen by the Majority, as aforesaid, he shall for every such Offence forfeit the Sum of Fifty Pounds Sterling, to the Candidate who shall be chosen by the Majority of the Freeholders from whom such Separation was made; to be recovered by him, or his Executors, in the Manner herein after directed: And if any Person presume to act as Preses or

Clerk.

Of the Officers returning.

175

Gr. Britain.

Clerk, who is not chosen by the Majority of the Freeholders present, standing on the said Roll, he shall, for every such Offence, forfeit the Sum of Two hundred Pounds Sterling to the Candidate who shall be chosen by the Majority of the Freeholders, as aforesaid; to be recovered by him, or his Executors, as herein after directed.

The Commissioner last elected, or, in his Absence, the Sheriff or Steward's Clerk, shall sign the Minutes of the Election of Preles and Clerk, and deliver the same to the Clerk

Minutes of Election of Clerk to be signed, and delivered to the Clerk chosen.

chosen by the Majority of the Freeholders, as aforesaid; and if the Commissioner last elected, or in his Absence, the Sheriff or Steward's Clerk, shall neglect or refuse to sign the aforesaid Minutes of Election of Preles and Clerk, and deliver the same to the Clerk chosen, as aforesaid, or shall sign false Minutes thereof, he shall, for every such Offence, forfeit the Sum of One hundred Pounds Sterling to the Person elected Preles, as aforesaid; to be recovered by him, or his Executors, in the Manner hereafter directed.

Penalty on refusing to sign, or on signing false Minutes.

The Clerk chosen by the Majority of the Freeholders on the aforesaid Roll,

Gr. Britain.

Clerk to make
a true Return.Penalty on
refusing, or
making a false
one.

Roll, shall return to the Sheriff or Steward such Person as shall be elected by the Majority of the Freeholders on the Roll made up at the Meeting for Election, in the Manner aforesaid; and if the Clerk chosen as aforesaid, shall refuse or neglect to return the Person elected by the Majority of the Freeholders on the Roll, made up at the Meeting for Election, or shall return any Person other than him who shall be elected by the Majority of the Freeholders as aforesaid, he shall, for every such Offence, instead of the Penalty or Forfeiture to which he is made liable by the aforesaid Act made in the Seventh Year of his present Majesty, forfeit the Sum of five hundred Pounds Sterling to the Candidate chosen by the Majority of the Freeholders on the aforesaid Roll; to be recovered by him, or his Executors, in the Manner herein after directed.

Every Sheriff or Steward, of any Shire or Stewartry within that Part of Great Britain called Scotland, upon producing to him a Copy of the aforesaid Roll last made up by the Freeholders at the last Michaelmas Meeting, or at the last Election of a Member to serve in Parliament,

extracted

Of the Officers returning.

177

extracted and signed by the Sheriff or Steward's Clerk, and upon producing and shewing to him the Original Minutes of the Election of Preses and Clerk signed by the Commissioner last elected, or in his Absence, by the Sheriff or Steward's Clerk, shall annex to the Writ the Return made by the Clerk chosen by the Majority of the Freeholders on the aforesaid Roll; and if any such Sheriff or Steward shall neglect or refuse to annex to the Writ such Return, or if he shall annex to the Writ the Return made by any other Person pretending to be Clerk to the Election, he shall for every such Offence, instead of the Penalty or Forfeiture to which he is made liable by the aforesaid Act made in the Seventh Year of His present Majesty, forfeit the Sum of Five hundred Pounds Sterling, to the Person returned by the Clerk, and chosen by the Majority of the Freeholders on the aforesaid Roll, to be recovered by him or his Executors in the Manner hereafter directed.

Gr. Britain.

The Return
to be annexed
to the Writ.

Penalty for
every Offence.

Every Sheriff or Steward of any Shire or Stewartry, within that Part of Great Britain called Scotland, shall hold the Michaelmas Head Court

When the Michaelmas
Head Court
shall be held.

Gr. Britain.

To be intimat-
ed in all Parish
Churches eight
Days before.

The Clerk to
sign the Com-
mission, and
fix the Seal of
the Borough.

in all Time to come, on the Day on which it shall appear to him to have been most usually held in Times past; and to prevent all Uncertainty in Time coming, every Sheriff or Steward shall at least Fourteen Days before Michaelmas next, appoint a precise Day for holding his Michaelmas Head Court, in the Year One thousand seven hundred and forty three; and shall cause intimate the Day of holding his Court at all the Parish Churches within his said Shire or Stewartry upon a Sunday, at least Eight Days preceeding the next Michaelmas Head Court; and it is hereby declared, That the Days so to be appointed by the said Sheriff or Steward before Michaelmas next, shall be the Anniversary for holding the Michaelmas Head Court of the said Shire or Stewartry in all time coming.

At every Election of Commissioners for choosing Burgesses for any District of Boroughs in that Part of Great Britain called Scotland, the common Clerk of each Borough within the said District, shall make out a Commission to the Person chosen Commissioner by the major Part of the Magistrates and Town Council assembled for that Purpose; which Magi-

Of the Officers returning.

179

Gr. Britain

Magistrates and Town Council shall take the Oath of Allegiance, and sign the same with the Assurance, and shall take all the other Oaths appointed to be taken at such Election, by this or any former Act, if required; and the said Clerk shall affix the common Seal of the Borough thereto, and sign such Commission, and shall not on any Pretence whatsoever make out a Commission for any Person as Commissioner, other than him who is chosen by the Majority as aforesaid; and if any common Clerk of any Borough shall neglect or refuse duly to make out and sign a Commission to the Commissioner elected by the Majority as aforesaid, and affix the Seal of the Borough thereto; or if he shall make out and sign a Commission to any other Person who is not chosen by the Majority, or affix the common Seal of the Borough thereto; he shall, for every such Offence, forfeit the Sum of Five hundred Pounds Sterling to the Person elected Commissioner for the said Borough as aforesaid; to be recovered by him, or his Executors, in the Manner herein after directed, and shall also suffer Imprisonment for the Space of Six Calendar

Gr. Britain.

Calendar Months, and be for ever after disabled to hold or enjoy the said Office of common Clerk of the Borough, as effectually as if he was naturally dead.

Penalty on
any Person
acting as Clerk,
and making
out wrongful
Commissions.

If any other Person who is not the common Clerk of the Borough, shall take upon himself to act as such in any Election of a Commissioner for choosing a Burgess for any District of Boroughs in that Part of Great Britain called Scotland, and shall make out a Commission for any other Person as Commissioner, other than the Person who was chosen by the Majority, as aforesaid, and shall sign or affix the common Seal of the Borough thereto; he shall for every such Offence forfeit the Sum of Five hundred Pounds Sterling, to the Person elected Commissioner for the said Borough as aforesaid, to be recovered by him or his Executors in the Manner herein after directed.

What Votes
shall be allowed.

At all Meetings of Commissioners for choosing Burgesses to serve in Parliament, the common Clerk of the presiding Borough shall allow the Votes of such Persons only who produce Commissions authenticated by the Subscription of the common Clerk, and the common Seal of the respective Boroughs within the District.

Of the Officers returning.

181

Sheriff, and shall return to the Sheriff or Steward the Person elected by the major Part of the Commissioners assembled, whose Commissions are authenticated as aforesaid; and if he neglect or refuse to return such Persons so elected to the Sheriff or Steward, or if he shall return to the Sheriff or Steward any Person other than him who is so elected, he shall, for every such Offence, instead of the Penalty or Forfeiture to which he is made liable by the aforesaid Act made in the Seventh Year of his present Majesty (c. 16.) forfeit ^{Penalty.} the Sum of Five hundred Pounds Sterling, to the Candidate elected by the Majority of the Commissioners assembled, whose Commissions are authenticated, as aforesaid; to be recovered by him, or his Executors, in the Manner herein after directed; and he shall also suffer Imprisonment for the Space of Six Calendar Months, and be for ever after disabled to hold or enjoy his said Office of common Clerk of the said presiding Borough, as if he was naturally dead.

Every Sheriff or Steward in that Part of Great Britain called Scotland, shall annex to the Writ the Return ^{Writ and Return to be annexed.} made

Gr. Britain.

Gr. Britain.

Penalty.

Proviso.

made by the aforesaid Clerk of the presiding Borough; and if any such Sheriff or Steward neglect or refuse to annex to the Writ such Return, or if he shall annex to the Writ any Return made by any other Person, he shall, for every such Offence, instead of the Penalty or Forfeiture to which he is made liable by the aforesaid Act made in the Seventh Year of his present Majesty, forfeit the Sum of Five hundred Pounds Sterling, to the Candidate returned by the aforesaid Clerk of the presiding Borough, to be recovered by him or his Executors, in the Manner herein after directed.

Provided, That if any Person to whom no Commission is made out, as aforesaid, shall insist that he was duly elected the Commissioner from any Royal Borough, the Person so claiming shall be admitted to the Meeting of the Commissioners for choosing Burgesses to serve in Parliament, and may at the said Meeting make Offer of taking all the Oaths required by Law, and declare for whom he would have voted, had he been duly commissioned; which Oaths the Clerk of the presiding Borough is hereby required and im-

powered

Of the Officers returning.

183

Gr. Britain.

powered to administer ; and the said Clerk shall also set down in the Minutes of Proceedings, the Declaration of such Person as to the Candidate for whom he would have voted, had he been duly commissioned ; but the said Clerk shall upon no Pretence whatsoever receive or consider such Person as a legal Voter, or such Declaration as a legal Vote, at such Election.

In all Elections of Commissioners for choosing Burgesses, and before they proceed to Election, the common Clerk of each Borough shall take and subscribe the Oath (directed by the Act. See the Appendix) which any of the Magistrates, or in their Absence, any Two of the Town Council are hereby impowered and required to administer.

And at all Meetings of the Commissioners for choosing Burgesses to serve in Parliament, and before they proceed to the Election, the Clerk of the presiding Borough shall take and subscribe the Oath (directed. See the Appendix) which the Commissioner for the presiding Borough, or in his Absence, any other of the Commissioners, is hereby required and impowered to administer.

If

Gr. Britain.

Penalty on the
Clerk of the
presiding Bo-
rough's Neg-
lect.

If the Clerk of the presiding Bo-
rough shall neglect or refuse to take
the Oath aforesaid, such Clerk so re-
fusing or neglecting, shall be incapa-
ble to act as Clerk to the said Meet-
ing; and it shall be lawful to and
for the said Commissioners, and they
are hereby impowered and required
to choose another Clerk to the Meet-
ing for the Election, and who shall
have all the Powers and Authorities
in the said Meeting, and in the re-
turning the Member chosen by them,
that by Law are competent to the
Clerk of the presiding Borough.

At all the Elections of a Member
to serve in Parliament for any
County or Stewartry in that Part
of Great Britain called Scotland, the
Clerk chosen by the Majority of such
Persons as stand upon the said Roll
last made up by the Freeholders, whe-
ther at the Michaelmas Court, or at the
last Election of a Member to serve in
Parliament, shall immediately after
his Election take and subscribe the
Oath (directed. See the Appendix) which
the Preses of the Meeting is hereby
required and impowered to admini-
ster.

Repeal of Part
of the Act
2 Geo. II.

So much of the Act of Parliament
made in the Second Year of His
present

Of the Officers returning.

185

present Majesty, as requires the Oath contained in the Act, to be taken by any Returning Officer within that Part of Great Britain called Scotland, shall be and is hereby repealed. (For the Penalty of Perjury, see before, Page 60.)

Gr. Britain.

When any new Parliament shall at any Time hereafter be summoned or called, the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the time being, shall issue out the Writs for Election of Members to serve in Parliament for that Part of Great Britain called Scotland, with as much Expedition as the same may be done; and that as well upon the calling or summoning any new Parliament, as also in case of any Vacancy during this present or any future Parliament, the several Writs shall be delivered to the Sheriff or Steward to whom the Execution thereof does belong or appertain, and to no other Person whatsoever; and every such Sheriff or Steward, upon the Receipt of the Writ, shall, upon the Back thereof indorse the Day he received the same, and shall forthwith upon Receipt of the Writ, at least within the Space of four Days after the Receipt thereof,

Writs of Summons for calling a new Parliament, to be made out immediately.

Gr. Britain.

Penalty.

When the Council shall be called for setting a Day to choose a Commissioner for electing a Burgess.

thereof, make out a Precept to each Borough within his Jurisdiction, to elect a Commissioner for choosing a Burgess to serve in Parliament, and shall cause the same to be delivered to the Chief Magistrate of such Borough, resident in the Borough for the time being; and in case such Sheriff or Steward shall neglect to endorse on the Back of the Writ the Day he received the same, or shall neglect to make out his Precept, and to deliver the same to the Chief Magistrate within the Time, and in the Manner above directed, he shall for every such Offence forfeit the Sum of One hundred Pounds Sterling, to any Magistrate of the Borough to which the Precept is notwithstanding delivered, who shall sue for the same, to be recovered in Manner herein after directed.

Such Chief Magistrate to whom the Precept shall be delivered in Manner before directed, upon the Receipt thereof, shall upon the Back of the Precept indorse the Day he received the same, and shall within Two Days after his Receipt of the Precept call and summon the Council of the Borough together, by giving Notice personally, or leaving Notice at

the Dwelling-place of every Counsellor then resident in that Borough, which Council shall then appoint a peremptory Day for the Election of a Commissioner for choosing a Burgess to serve in Parliament.

Gr. Britain.

Provided always, That Two free Days shall intervene betwixt the Meeting of the Council which appoints the Day of Election of the said Commissioner, and the Day on which the Election of the Commissioner is to be made; and in case such Chief Magistrate shall neglect to indorse the Day he received the Precept on the Back thereof, or to summon the Council within the Time, and in the Manner above directed, he shall for every such Offence forfeit the Sum of One hundred Pounds Sterling, to any Magistrate or Counsellor of the said Borough who shall sue for the same, to be recovered in Manner herein after directed. [For recovering the Penalties, see before p. 60.]

Two free Days to be between the Council meeting and the Day of Election.

Chief Magistrate to indorse the Day he received the Precept.

Stat. 18 G. II. ch. 18.

From and after the Twenty fourth Day of June, One thousand seven hundred and forty five, at every such Election within that Part of

Books to be erected at the Expence of the Candidates.

12

Great

Gr. Britain.

proportioned
to the Hun-
dreds, &c.
and not ex-
ceeding 15.

Sheriff to ap-
point a Clerk
at each Booth,
for polling,

Great Britain called England, and Do-
minion of Wales, the Sheriff, or in
his Absence the Under Sheriff, or such
as he shall depute, shall appoint,
make, or erect, or cause to be ap-
pointed, made, or erected, at the
Expence of the Candidates, such
Number of convenient Booths or
Places for taking the Poll, as the
Candidates, or any of them shall,
Three Days at least before the Com-
mencement of the Poll, desire, so as
the same do not exceed the Number
of Rapes, Lathes, Mapentakes,
Wards, or Hundreds within the said
County, and not exceeding in the
Whole the Number of Fifteen; and
shall affix, or cause to be affixed, on
the most publick Part of each of the
said Booths or Polling Places, the
Name or Names of the Rape, Ma-
pentake, Lathe, Ward, or Hun-
dred, or Rapes, Mapentakes, Lathes,
Wards, or Hundreds, for which such
Booth or Polling Place is allotted or
designed; and the said Sheriff, Un-
der Sheriff, or such Person as he
shall depute, shall appoint a proper
Clerk or Clerks at each of the said
Booths or Polling Places, to take
the Poll (which said Clerk or Clerks
shall be at the Expence of the Can-
didates,

Of the Officers returning. 189

didates, and be paid not exceeding ^{Gr. Britain.} One Guinea per Day each Clerk) and ^{at the Candi-} the said Sheriff, or Under Sheriff, ^{datesExpençe;} shall also make out a List for each of ^{a List of} the said Booths or Polling Places ^{Towns, &c.} respectively, of all the several Towns, ^{for each} Villages, Parishes, and Hamlets, ^{Booth;} lying or being wholly or in Part in the Rape, Mapentake, Lathe, Ward, or Hundred, or in the several Rapes, Mapentakes, Lathes, Wards, or Hundreds, for which such Booth or Polling Place is allotted or designed; and shall, upon Request made, deliver a true Copy thereof to any of the Candidates, ^{of which Copies to be} or their Agents, who shall desire the ^{given at 2s.} same, taking for each of the said Copies the Sum of Two Shillings, and ^{each.} no more.

No Sheriff, Under Sheriff, or Clerk appointed to take the Poll at any of the said Booths or Polling Places, shall admit any Person to vote for any Lands, Tenements, or other Freehold Estate, sworn by the said Oath to be lying and being at some Parish, Town, or Place, or Parishes, Towns, or Places, which Parish, Town, or Place, or Parishes, Towns, or Places, or any of them, or any Part of them, is ^{Voting at} not, ^{each Booth to} ^{be regulated} ^{by the said} ^{List:}

Gr. Britain.

Exception.

A Cheque
Book for e-
very Poll Book,
allowed each
Candidate.

No Sheriff to
adjourn a
County Court
for longer than
16 Days.

Clause of
6 Geo. II. re-
pealed.

not, or are not mentioned in the List so made out for such Booth or Polling Places as aforesaid, unless such Lands, Tenements, or Estate lie or be in some Town, Liberty, or Place not mentioned in any of the Lists so made out for all the said Booths or Polling Places as aforesaid.

The Sheriff, or in his Absence the Under Sheriff, or such as he shall depute, shall, at every such Election, allow a Cheque Book for every Poll Book, for each Candidate, to be kept by their respective Inspectors at every Place where the Poll for such Election shall be taken or carried on.

Where the next County Court falls out to be held within Six Days after the Receipt of the Writ, or upon the same Day, from and after the said Twenty fourth Day of June, no Sheriff shall in such Case take upon himself to adjourn such Court for longer than Sixteen Days; any Law, Usage, or Custom to the contrary notwithstanding.

And whereas by an Act made in the Sixth Year of His present Majesty, ch. 23. it is enacted, That no County Court whatsoever, held within that Part of Great Britain, called England, shall be adjourned to a Monday, a Friday,

Of the Officers returning.

191

Friday, or Saturday ; and that all and every such Adjournment and Adjournments, and all and every Act and Deed done or performed at such Courts so adjourned, shall be deemed, adjudged, and taken to be utterly null and void, to all Intents and Purposes whatsoever : And whereas the same hath been found inconvenient ; be it therefore enacted, That from and after the said Twenty fourth Day of June, so much of the said Act, as is herein before recited, shall be, and is hereby repealed.

Gr. Britain.

In case any such Sheriff, or Under Sheriff, who shall preside at any Election of any such Knight or Knights of the Shire, within that Part of Great Britain, called England, or Dominion of Wales, shall wilfully offend against, or act contrary to the true Intent and Meaning of this Act, every such Sheriff or Under Sheriff, shall be liable to be prosecuted by Information or Indictment, in His Majesty's Court of King's Bench at Westminster, or in the Courts of Great Sessions in the Principality of Wales, or at the Sessions held for the Counties Palatine of Chester, Lancaster, and Durham, or at the Assizes

Sheriff, &c.
offending, to
be prosecuted.

Gr. Britain.

No Nolle Pro-
sequi or Cesset
Processus to be
granted.

for the County, City, Town, or Place, where such Offence shall be committed, in which no Nolle Prosequi or Cesset Processus shall be granted; any Law, Custom, or Usage to the contrary thereof in any wise notwithstanding. (For the Manner of recovering Penalties, see before. Pag. 67.)

Stat. 19 G. II. ch. 28.

Sheriffs to al-
low a Cheque
Book for every
Poll Book.

The Sheriff or Sheriffs of any City or Town, being a County of itself, in that Part of Great Britain called England, or in his or their Absence, his or their Under Sheriff or Under Sheriffs, or such other Person as he or they shall depute, shall, at every Election of any Member or Members to serve in Parliament for such City or Town, allow a Cheque Book for every Poll Book for each Candidate, to be kept by their respective Inspectors, at the Place where the Poll for such Election shall be taken or carried on.

Sheriffs to give
publick No-
tice, &c.

From and after the Twenty fourth Day of June, One thousand seven hundred and forty six, the Sheriff or Sheriffs of every City or Town, being a County of itself, and having a Right

Of the Officers returning.

193

Gr. Britain.

a Right to elect a Member or Members of Parliament, by virtue of the Writ issuing out of Chancery, without any Precept thereupon, within that Part of Great Britain called England, shall forthwith, upon the Receipt of the Writ for Election of a Member or Members to serve in Parliament for such City or Town, cause publick Notice to be given of the Time and Place of Election, and shall proceed to Election thereupon, within the Space of Eight Days next after that of his Receipt of the said Writ, and give Three Days Notice thereof, at least, exclusive of the Day of the Receipt of the Writ, and of the Day of Election.

and to proceed
to Election
within 8 Days
after Receipt
of the Writ.

In case any Sheriff or Under Sheriff, presiding at any Election of a Member or Members to serve in Parliament for any such City or Town, being a County of itself, as aforesaid, within that Part of Great Britain called England, shall wilfully offend against, or act contrary to the true Intent and Meaning of this Act, every such Sheriff or Under Sheriff shall be liable to be prosecuted by Information or Indictment in His Majesty's Court of

Sheriffs of-
fending against
this Act,

may be pro-
secuted in the
King's Bench,
&c.

Gr. Britain.

King's Bench at Westminster, or at the Assizes for the City or Town where such Offence shall be committed, in which no Nolle prosequi, or Cesset Processus shall be granted; any Law, Custom, or Usage to the contrary thereof in any wise notwithstanding. (For the Manner of recovering the Penalties, see before, Pag. 75.)

F I N I S.

A P P E N D I X.

A P P E N D I X.

*The Form of the Oath of Allegiance, appointed by
Stat. 1 W. & M. ch. 1.*

I *A. B.* do sincerely promise and swear, That I will
be faithful, and bear true Allegiance, to Their Ma-
jesties King *William* and Queen *Mary*.

So help me God.

*The Form of the Oath of Supremacy, appointed by
the same Stat.*

I *A. B.* do swear, That I do from my Heart abhor,
detest, and abjure, as impious and heretical, that dam-
nable Doctrine and Position, *That Princes excommuni-
cated or deprived by the Pope, or any Authority of the See
of Rome, may be deposed or murdered by their Subjects, or
any other whatsoever.* And I do declare, That no foreign
Prince, Person, Prelate, State, or Potentate, hath, or
ought to have, any Jurisdiction, Power, Superiority,
Pre-eminence, or Authority, Ecclesiastical or Spiritual,
within this Realm.

So help me God.

The

A P P E N D I X.

The Form of the Declaration or Test, appointed by
Stat. 30 C. II. ch. 1.

I *A. B.* do solemnly and sincerely, in the Presence of God, profess, testify, and declare, That I do believe that in the Sacrament of the Lord's Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at or after the Consecration thereof by any Person whatsoever; and that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of *Rome*, are superstitious and idolatrous; and I do solemnly, in the Presence of God, profess, testify, and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by *English* Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope, or any other Authority or Person whatsoever, or without any Hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am or may be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, although the Pope, or any other Person or Persons, or Power whatsoever, should dispense with or annul the same, or declare that it was null or void from the beginning.

A P P E N D I X.

The Form of the Declaration of Fidelity, appointed to be made and subscribed by Quakers, by Stat. 8 G. I. ch. 6.

I *A. B.* do solemnly and sincerely promise and declare, That I will be true and faithful to King *George*; and do solemnly, sincerely, and truly profess, testify, and declare, That I do from my Heart abhor, detest, and renounce, as impious and heretical, that wicked Doctrine and Position, *That Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever.* And I do declare, That no foreign Prince, Person, Prelate, State, or Potentate, hath or ought to have, any Power, Jurisdiction, Superiority, Pre-eminence, or Authority, Ecclesiastical or Spiritual, within this Realm.

The Form in which the Effect of the Abjuration Oath is to be taken by Quakers, appointed by Stat. 8 Geo. I. ch. 6,

I *A. B.* do solemnly, sincerely, and truly acknowledge, profess, testify, and declare, That King *George* is lawful and rightful King of this Realm, and of all other his Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe the Person pretended to be the Prince of *Wales* during the Life of the late King *James*, and since his Decease, pretending to be,

A P P E N D I X.

be, and taking upon himself the Stile and Title of King of *England* by the Name of *James* the Third, or of *Scotland* by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*, hath not any Right or Title whatsoever to the Crown of this Realm, nor any other the Dominions thereunto belonging: And I do renounce and refuse any Allegiance or Obedience to him. And I do solemnly promise, That I will be true and faithful, and bear true Allegiance to King *George*, and to Him will be faithful against all traiterous Conspiracies and Attempts whatsoever, which shall be made against His Person, Crown, or Dignity. And I will do my best Endeavour to disclose and make known to King *George*, and His Successors, all Treasons and traiterous Conspiracies which I shall know to be made against Him, or any of Them. And I will be true and faithful to the Succession of the Crown against him the said *James*, and all other Persons whatsoever, as the same is and stands settled by an Act, intituled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*, to the late Queen *Anne*, and the Heirs of Her Body, being Protestants; and as the same, by one other Act, intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is, and stands settled and intailed, after the Decease of the said late Queen, to the late Princess *Sophia*, Electress and Dutches Dowager of *Hanover*, and the Heirs of her Body, being Protestants. And all these Things I do plainly and sincerely acknowledge, promise, and declare, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equi-

vocation,

A P P E N D I X.

vocation, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Renunciation, and Promise, heartily, willingly, and truly.

The Form appointed by Stat. 8 Geo. I. ch. 6. in which the Effect of the Freeholders Oath is to be administered to Quakers.

I *A. B.* do solemnly, sincerely, and truly, declare and affirm.

The Formula appointed by Act of Parliament made 8 & 9 Sess. W. III. in Scotland.

I *A. B.* do sincerely from my Heart profess and declare before God, who searcheth the Heart, That I do deny, disown, and abhor these Tenets and Doctrines of the Papal Romish Church; viz. The Supremacy of the Pope and Bishop of *Rome* over all Pastors of the Catholick Church, his Power and Authority over Kings, Princes, and States, and the Infallibility that he pretends to, either without or with a general Council, his Power of Dispensing and Pardoning, the Doctrine of Transubstantiation, and the Corporal Presence, with the Communion without the Cup in the Sacrament of the Lord's Supper, the Adoration and Sacrifice professed and practised

A P P E N D I X.

tified by the Popish Church in the Mass, the Invocation of Angels and Saints, the Worshipping of Images, Croffes, and Relicks, the Doctrine of Supererogation, Indulgences, and Purgatory, and the Service and Worship in an unknown Tongue: All which Tenets and Doctrines of the said Church I believe to be contrary to and inconsistent with the written Word of God, and I do from my Heart deny, disown, and disclaim the said Doctrines and Tenets of the Church of Rome as in the Presence of God, without any Equivocation or mental Reservation, but according to the known and plain Meaning of the Words, as to me offered and proposed.

So help me God

The Form of the Candidates Oath to be taken (as required) by Stat. 9 Annæ. ch. 5.

I *A. B.* do swear, That I truly, and *bona fide* have such an Estate in Law or Equity, to and for my own Use and Benefit, of or in Lands, Tenements, or Hereditaments (over and above what will satisfy and clear all Incumbrances that may affect the same) of the annual Value of Six hundred Pounds, above Reprize as doth qualify me to be elected and returned to serve as a Member for the County of _____ according to the Tenor and true Meaning of the Act of Parliament in that Behalf; and that my said Land Tenements, or Hereditaments, are lying or being within the Parish, Township, or Precinct of _____

A P P E N D I X.

in the several Parishes, Townships, or Precincts
in the County of
in the several Counties of
as the Case may be)

The like Oath (*Mutatis Mutandis*) as to the Value
of 300 *l.* to be taken by Candidates for a City,
Borough, &c.

*The Form of the Abjuration, as altered by Stat.
1 Geo. I. ch. 13. to be taken after the Demise of
the late Queen, and as the same is now to be
taken.*

I *A. B.* do truly and sincerely acknowledge, profess,
testify, and declare in my Conscience, before God and
the World, That our Sovereign Lord King *George* is
lawful and rightful King of this Realm, and all other
His Majesty's Dominions and Countries thereunto be-
longing. And I do solemnly and sincerely declare,
That I do believe in my Conscience, that the Person
pretended to be Prince of *Wales* during the Life of
the late King *James*, and since his Decease pretending
to be, and taking upon himself the Stile and Title of
King of *England* by the Name of *James* the Third,
or of *Scotland* by the Name of *James* the Eighth, or
the Stile and Title of King of *Great Britain*, hath not
any Right or Title whatsoever to the Crown of this
Realm, or any other the Dominions thereto belonging :
And I do renounce, refuse, and abjure any Allegiance
or Obedience to him. And I do swear, That I will
bear Faith and true Allegiance to His Majesty King
George,

A P P E N D I X

George, and Him will defend to the utmost of my Power, against all traiterous Conspiracies and Attempts whatsoever, which shall be made against His Person, Crown, or Dignity. And I will do my utmost Endeavour to disclose and make known to His Majesty, and His Successors, all Treasons and traiterous Conspiracies which I shall know to be against Him, or any of Them. And I do faithfully promise, to the utmost of my Power, to support, maintain, and defend the Succession of the Crown against him the said *James*, and all other Persons whatsoever; which Succession, by an Act, intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is and stands limited to the Princess *Sophia*, Electress and Dutches Dowager of *Hanover*, and the Heirs of her Body, being Protestants. And all these things I do plainly and sincerely acknowledge and swear according to these exprefs Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgement, Abjuration, Renunciation, and Promise, heartily, willingly, and truly, upon the true Faith of a Christian:

So help me God.

The Electors Oath, to be taken by 2 Geo. II. ch. 24

I *A. B.* do swear (or, being one of the People called Quakers, I *A. B.* do solemnly affirm) I have not received

A P P E N D I X.

ceived, or had by myself, or any Person whatsoever in Trust for me, or for my Use and Benefit, directly or indirectly, any Sum or Sums of Money, Office, Place or Employment, Gift or Reward, or any Promise or Security for any Money, Office, Employment, or Gift, in order to give my Vote at this Election; and that I have not before been polled at this Election.

The Oath of the Returning Officer, required to be taken by 2 Geo. II.

I *A. B.* do solemnly swear, That I have not, directly nor indirectly, received any Sum or Sums of Money, Office, Place or Employment, Gratuity or Reward, or any Bond, Bill, or Note, or any Promise or Gratuity whatsoever, either by myself, or any other Person to my Use, or Benefit, or Advantage, for making any Return at the present Election of Members to serve in Parliament; and that I will return such Person or Persons as shall, to the best of my Judgement, appear to me to have the Majority of legal Votes.

The Freeholder's Oath in Scotland, appointed by 7 Geo. II. ch. 16.

I *A. B.* do in the Presence of God declare and swear,
That the Lands and Estate of _____ for
which I claim a Right to vote in the Election of a
O Member

A P P E N D I X.

Member to serve in Parliament for this County or Stewartry, is actually in my Possession, and do really and truly belong to me, and is my own proper Estate, and is not conveyed to me in Trust, or for or in Behalf of any other Person whatsoever; and that neither I, nor any Person to my Knowledge, in my Name, or on my Account, or by my Allowance, hath given, or intends to give, any Promise, Obligation, Bond, Back-bond, or other Security whatsoever, other than appears from the Tenour and Contents of the Title, upon which I now claim a Right to vote, directly or indirectly, for redispensing or reconveying the said Lands and Estate in any Manner of Way whatsoever, or for making the Rents or Profits thereof forth-coming to the Use or Benefit of the Person from whom I have acquired the said Estate, or any other Person whatsoever; and that my Title to the said Lands and Estate is not nominal or fictitious, created or reserved in me, in order to enable me to vote for a Member to serve in Parliament; but that the same is a true and real Estate in me, for my own Use and Benefit, and for the Use of no other Person whatsoever; and that is the Truth, as I shall answer to God.

*The Oath of the Electors for Towns in Scotland,
appointed by 16 Geo. II. ch. 11.*

I *A. B.* do solemnly swear, That I have not directly or indirectly, by Way of Loan or other Device whatsoever, received any Sum or Sums of Money, Office, Place,

A P P E N D I X.

Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promise of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatsoever, either by myself or any other, to my Use, or Benefit, or Advantage, or to the Use, Benefit, or Advantage of the City or Borough of which I am Magistrate, Counsellor, or Burgeſs, in order to give my Vote at this Election.

So help me God.

*The Common Clerk's Oath in Scotland, appointed
by 16 Geo. II. ch. 11.*

I *A. B.* do ſolemnly ſwear, That I have not directly or indirectly, by Way of Loan or other Device whatsoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promise, of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatsoever, either by myself or any other, to my Use, or Benefit, or Advantage, to make out any Commission for a Commissioner for chooſing a Burgeſs; and that I will duly make out a Commission to the Commissioner who ſhall be choſen by the Majority of the Town Council aſſembled, and to no other Perſon.

So help me God.

A P P E N D I X.

Oath of the Clerk of the presiding Borough in Scotland, appointed by 16 Geo. II. ch. 11.

I *A. B.* do solemnly swear, That I have not directly or indirectly, by Way of Loan or other Device whatsoever, received any Sum or Sums of Money, Office, Place, Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promise of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatsoever, either by myself, or any other to my Use, or Benefit, or Advantage, to make any Return at this Election of a Member to serve in Parliament; and that I will return to the Sheriff or Steward the Person elected by the major Part of the Commissioners assembled, whose Commissions are authenticated by the Subscription of the common Clerk, and common Seal of the respective Boroughs of this District.

So help me God.

Oath of the Clerk at Elections for Counties in Scotland, appointed by 16. Geo. II. ch. 11.

I *A. B.* do solemnly swear, That I have not directly or indirectly, by Way of Loan or other Device whatsoever, received any Sum or Sums of Money, Office, Place or Employment, Gratuity or Reward, or any Bond, Bill, or Note, or any Promise of any Sum or Sums of Money, Office, Place, Employment, or Gratuity whatsoever.

A P P E N D I X.

soever, by myself or any other to my Use, or Benefit, or Advantage, to make any Return at the present Election of a Member to serve in Parliament; and that I will return to the Sheriff or Steward the Person elected by the Majority of the Freeholders upon the Roll made up at this Election, and who shall be present and vote at this Meeting.

So help me God.

The Freeholder's Oath, appointed by 18 Geo. II. ch. 18.

You shall swear (*or being one of the People called Quakers, you shall solemnly affirm*) That you are a Freeholder in the County of _____ and have a Freehold Estate, consisting of _____ (*specifying the Nature of such Freehold Estate, whether Messuage, Land, Rent, Tythe, or what else; and if such Freehold Estate consists in Messuages, Lands, or Tythes, then specifying in whose Occupation the same are; and if in Rent, then specifying the Names of the Owners or Possessors of the Lands or Tenements, out of which such Rent is issuing, or of some or one of them*) lying or being at _____ in the County of _____ of the clear yearly Value of Forty Shillings, over and above all Rents and Charges payable out of, or in respect of the same; and that you have been in the actual Possession or Receipt of the Rents or Profits thereof, for your own Use, above Twelve Kalendar Months, or that the same came to you within the Time aforesaid, by Descent, Marriage, Marriage

A P P E N D I X.

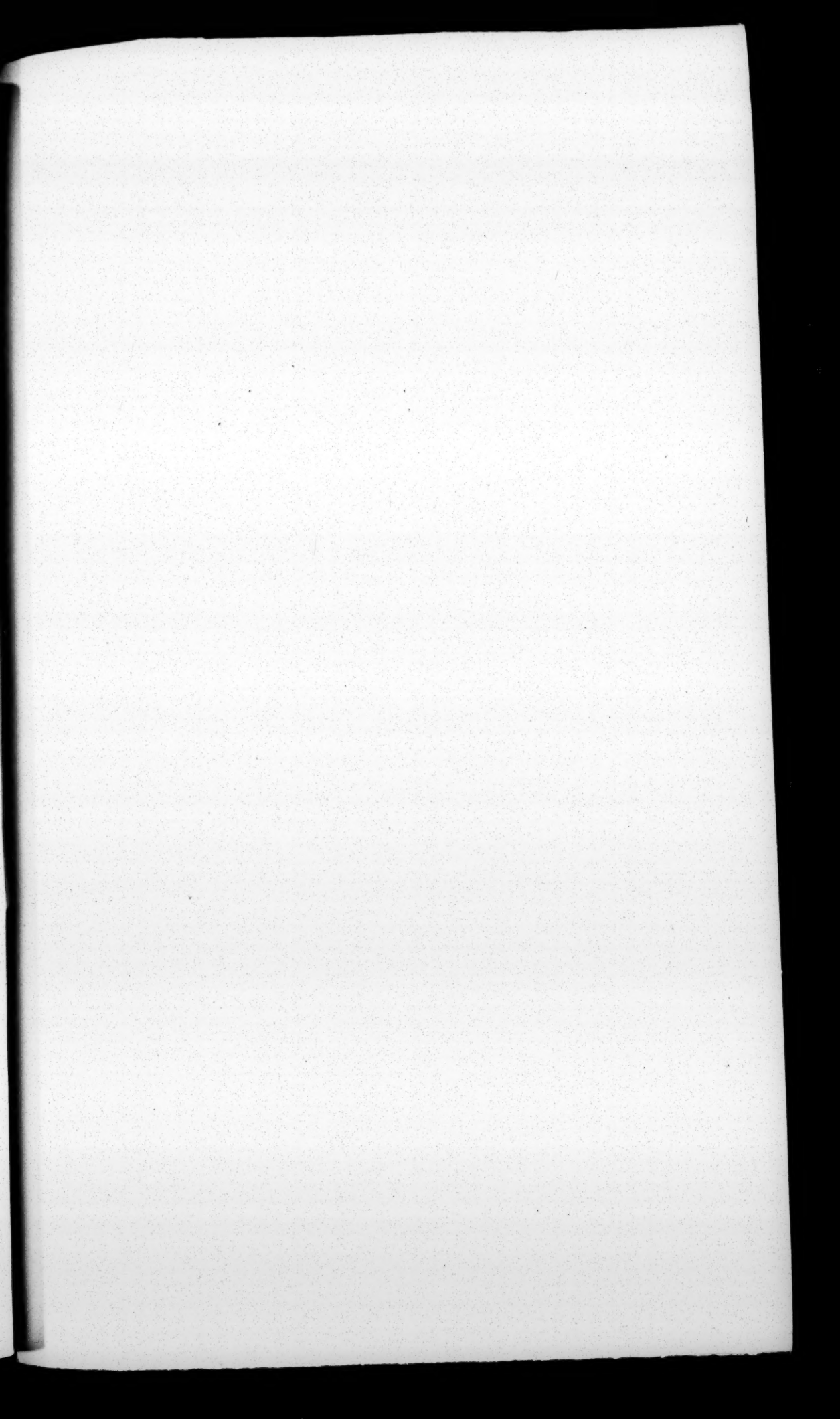
riage Settlement, Devise, or Promotion to a Benefice in a Church, or by Promotion to an Office; and that such Freehold Estate has not been granted or made to you fraudulently, on purpose to qualify you to give your Vote; and that the Place of your Abode is at _____ in _____ and that you are Twenty one Years of Age, as you believe; and that you have not been polled before at this Election.

The Freeholder's Oath for Cities and Towns, appointed by 19 Geo. II. ch. 28.

You shall swear (or, being a Quaker, you shall solemnly affirm) That you have a Freehold Estate, consisting of _____ (specifying the Nature of such Freehold Estate, whether Messuage, Land, Rent, Tythe, or what else; and if such Freehold Estate consists in Messuages, Lands, or Tythes, then specifying in whose Occupation the same are; and if Rent, then specifying the Names of the Owners or Possessors of the Lands or Tenements, out of which such Rent is issuing, or of some or One of them) lying or being in the City and County, or Town and County (as the Case may be) of _____ of the clear yearly Value of _____ Forty Shillings, over and above all Rents and Charges payable out of, or in respect of the same; and that you have been in the actual Possession or Receipt of the Rents and Profits thereof, for your own Use, above Twelve Kalendar Months; or that the same came to you within the Time aforesaid, by Descent, Marriage, Marriage Settlement, Devise, or Promotion to a Bene-

A P P E N D I X.

ice in a Church, or by Promotion to an Office ; and
that such Freehold Estate has not been granted or made
to you fraudulently, on purpose to qualify you to give
your Vote ; and that the Place of your Abode is at
in and that you
are Twenty one Years of Age, as you believe ; and that
you have not been polled before at this Election.



A
fro
of
ea
St
ga

A
ed

D
ca

R

9

t

S

J

T H E

I N D E X.

A *Bjuration Oath*, Persons refusing to take it, excluded from voting, 20. altered, *ibid.*

Agent to a Regiment incapable of being elected, 6.

Allegiance Oath, to be taken by each Member before the Lord Steward, or his Deputy, 87. abrogated, and a new one appointed, 87, 88, 92.

Army, the Comptroller of the Accounts incapable of being elected, 110.

Assurance of Ships, Governor, Director, or other Officer thereof, capable of being elected, 124.

Bailiffs, Penalty for making false Returns, 81, 135. See Returns.

Bank, Members thereof, not disqualified, 94, 123.

Bribery prohibited, 95. Electors to be sworn against it, 29. Penalty of Perjury, 30. Of Bribery, *ibid.* Limitation of Prosecution, 40.

Booths to be erected for each Hundred, 187.

Burgesses to be elected by Burgesses, 5, 79. to reside in and be free of the Boroughs they represent, 34.

Burghs Royal in Scotland how to choose their Representatives, 15.

Writs how to be issued, 153, &c.

Publick Intimations to be given at the Parish Churches Three Days before the Diet of Elections, 162, 178.

Bute and Caithness to choose alternately, 14.

Candidates to be sworn to their Estates, if required, 21, 118. On Refusal, their Election void, *ibid.* may nominate Persons to inspect the Poll, 100. Poll not to be adjourned without their Consent, 101. may require the Chief Officer in the Poll to administer the Oaths, 103, 115. Candidates Oath to be certified

I N D E X.

certified into the Chancery or Queen's Bench within Three Months, on Penalty of 100 *l.* 158. Fees to be taken for making and filing, 159.

Check Books to be allowed to the Candidates, 190, 192.

Chester, the County to elect Two Knights, 7. the City Two Burgesses, *ibid.* who are to have the same Privileges as others, 85. Writs of Elections to be directed to the Chamberlain of *Chester*, and his Precept to the Sheriff, 138.

Cinque-ports to enjoy all their Liberties and Customs, 1. Lord Warden's Claim to nominate One of the Barons of each *Cinque-port*, declared to be contrary to Law, 9. Officers of the *Cinque-ports* allowed Six Days from the Receipt of the Writ from the Delivery thereof, 145.

Cities and Towns to enjoy their ancient Liberties, 1. Provisions against multiplying Freeholders Votes, extended to them, 41, 68, 192.

Citizens to be elected by Citizens, 5, 79. to reside in, and be free of the Cities they represent, 79. to have 300 *l.* per Ann. 117.

Clackmannan and *Kinross* how to choose their Representatives, 15.

Claim of Rights, 9, 93.

Clerk of the Crown to keep a Book of Entry of all Returns, 99. and of all Alterations made therein, *ibid.*

Clergy to have their old Liberties and Customs, 2.

Commissioners in *Scotland* how to be chosen, 15, 27, 28, 53, &c. Intimation to be given in the Churches Three Days before the Election, 162.

Commissioners and Sub-commis-

sioners of the Prizes incapable of being chosen, 110. No greater Number of Commissioners to be made for executing any Office than were employed from the first Day of Sessions, 111. of the Excise incapable of being elected, 10. not to meddle with Elections on Penalty of 100 *l.* *ibid.* Like Penalty on Com. of Customs, 14. Of the Sick and Wounded incapacitated, 110.

Commons, their Jurisdiction in determining Legality of Votes, 29. 98, 141. Power of requiring Attendance, 83. of directing Writs for Vacancies, 91.

Comptroller of the Accounts of the Army incapable of being elected, 110.

Contracts to procure a Return declared void, 98, 142.

Conveyances of Messuages, Lands, or Tenements, in order to multiply Votes, declared void, 12. Collusive Conveyances of Estates to qualify Persons to vote for Knights of the Shire, made absolute, 22. The Maker, Adviser, and Voter, to forfeit 40 *l.* with full Costs, *ibid.* No Conveyances, whereof Infeoffment is not taken, and Seizin registered, a Year before the *Teste* of the Writs, to intitle a Person to vote, 26, 27, 28.

County Courts to be held where they have been most usually kept for Forty Years last past, 146. to be kept on a *Wednesday*, 150. how to be adjourned, 190.

Cromarty and *Nairn* how to choose their Representatives, 15.

Crown, the Act for Limitation thereof, 105.

Custom-house Officers not to interfere in Elections on Penalty of 100 *l.*

I N D E X.

100 *l.* and Incapacity of enjoying any Place of Trust, 13, 14.

Declaration of Fidelity to be subscribed by *Quakers*, *Append.*

Durham, the County to elect Two Knights, and the City Two Burgesses, 8. Who are to enjoy the same Privilege as others, 85. Writs for Election in *Durham* to be directed to the Bishop, and he to send his Precept to the Sheriff, 140. Sheriff of *Durham* to make like Returns, and under like Pains, as other Sheriffs, 141.

Edinburgh to choose one Representative, 15, 154. The Manner of Election, 28, 161.

Elections of Parliament-men how to be made, 2, 3, 19, 20, 141, &c. Entertainments and Presents, at Elections forbidden, 50, 95.

Electors to attend according to the Proclamation in the County Court, 3. to seal an Indenture of the Persons chosen, *ibid.* to be resident in the Shires at the Date of the Writ, *ibid.* 4. to have 40 *s.* *per Ann.* in Land, 4, 23. Penalty on taking a false Oath, 11. to be Twenty one Years of Age, 12. to take the Oaths of Allegiance, &c. *ibid.* Penalty on Conviction of Perjury, 24. taking Money or Reward for their Votes to forfeit 500 *l.* and disabled to vote in future Elections, 30. Offenders within Twelve Months discovering others, indemnified, 31.

Excise Officers not to intermeddle with Elections, on Penalty of 100 *l.* and Incapacity of enjoying any Place of Trust, 10, 11.

Formula, such as refuse to swear, and subscribe thereto, excluded from voting, 17. The Form thereof, *Append.*

Freeholders to be sworn before admitted to poll, 11, 32, 61, 148. Penalty on wilful Perjury, 11, 24, 33, 62, 164.

Freeholder's Oath, *Append.*

Heir-apparent of a Peer, or Person qualified to serve as a Knight of a Shire, qualified to be elected, 117.

House or Tenement, One to have but one Voice, 12.

Incapacity of Electors, 17, 20, 21, 22, 23, 27, 151,

Incapacity of Members elected, 87, &c.

Indentures of Return to be sealed by the Sheriff and Electors, 4.

Kinross and *Clackmannan* how to choose their Representatives, 15.

Knights of the Shire how to be elected, 3, 4, 68, 141, to be elected of such who reside within the Counties after the Date of the Writ, 79. to have the Majority of those who can expend 40 *s.* a Year, 80. not to be absent without Leave of the House of Commons, 83. to take the Oaths before they sit in the House, 86. to have 600 *l.* *per Ann.* 116.

London to enjoy its antient Liberties, 1.

Mayors, Penalty on them for false Returns, 135. *See* Returns.

Members of the House of Commons not to sit or vote till they have taken the Oaths, 87, &c. 121. not to be concerned in the Duties granted by the Parliament, 93. may be Members of the Bank, 94, 123. not to be elected under Twenty one Years of Age, 102. not to execute any Office in the Excise, 104. nor in the Customs, 105. executing any such Office while a Member incapacitated to sit or vote, 106. accepting

I N D E X.

ing any Place of Profit, their Election void, but capable of being re-chosen, 111. Members, being Officers in the Navy or Army, receiving any new Commissions, not incapacitated, *ibid.* Penalty on presuming to sit when incapacitated, *ibid.*

Monmouthshire to elect Two Knights of the Shire to serve in Parliament, 6, 84. and one Burgess for the Borough, *ibid.* how the Electors are to be summoned, 139.

Mortgagees not allowed to vote unless in actual Possession, 11.

Mortgagers in Possession may give their Vote, 12.

Nairn how to choose its Representatives, 15.

Navy, Commissioners thereof employed in any of the Out-ports incapacitated, 110.

Oath to be taken by Freeholders before they poll, *Append.*

Oaths to be taken by the Members before they sit or vote, 87, &c. The former Oaths abrogated, and new ones appointed, 92, &c. Candidates Oath to be certified into the Chancery or Queen's Bench within Three Months, on Penalty of 100*l.* 158. Fees to be paid for making and filing, 159. The Oath of the Returning Officer, *Append.*

Officers disabled to be elected, 93, 104, 105, 106, 109, 114, 116, 122, 124, 125.

Pensions during Pleasure, Persons enjoying them incapacitated, 110. Penalty of such Persons presuming to sit, 20*l.* per Day, 111.

Perjury in Elections, how to be punished, 11, 24, 164.

Plantations, Governors or Deputy Governors thereof incapacitated, 110.

Poll, Candidates may appoint Inspectors thereof, 100. not to be adjourned or discontinued without their Consent, 101. Any Person may demand a Copy on Payment of reasonable Fees, *ibid.* Penalty on Officer refusing to grant a Copy, 102. Each Freeholder's Name, and the Place of his Freehold, to be taken on Oath, 159. How to be taken for the Representatives of *Scotland*, 14, &c. 161.

Prizes, Commissioners, Sub-commissioners, Receivers, incapacitated, 110.

Proclamation of Elections to be made in the full County, 3, 129.

Quakers to subscribe the Declaration of Fidelity before they vote, 12, 13. If convicted of false affirming, to incur the Penalties of Perjury, 25.

Qualifications, Knights of the Shire to have 600*l.* per Ann. and Citizens or Burgesses 300*l.* 117.

Regiments, Agents thereto incapacitated, 110.

Returning Officer to take no Fee, 146. to appoint Inspectors of the Poll, 148. not to adjourn the Poll without Consent of the Candidates, 149. to grant a Copy of the Poll, *ibid.* to administer the Oaths to Voters, 151, 157. Penalty on admitting Persons to poll before sworn, 163. to take an Oath, *ibid.* Penalty on wilful Offence, 50*l.* 165, 171.

Returning Officer's Oath, *Ap.*

Returns how to be made, 3, 4, 129. Penalty on Sheriffs and others making undue Returns, 80. Penalty on putting out the Person returned, 82. Double Returns, 98, 142. False Returns, 141. Penalty, 163, 169. Con-

Contra

Scot
presen
there

27, 28
to be i
timati
Churo
Dict

She
the Sh
his P
and B
ster t
Penal
Retur
Trav
Rece
cept

choos
How
ed, i
out
Exec
146.

when
ally
give
and
poin
Can

to ac
151
tor's
rat'
159

the
'Tw
firm
Qu
Oat
of
pol

Con

I N D E X.

Contracts to procure Returns void, 98.

Scotland to send Forty five Representatives, 14, 15. Infeoffment there necessary to qualify Voters, 27, 28, 32, 42, 127. Writs how to be issued, 161, 185. Publick Intimation to be made at the Parish Churches Three Days before the Diet of Elections, 178.

Sheriff's Return of Knights for the Shire, 3, 80, 161. to direct his Precept for chooling Citizens and Burgeses, 5, 144. to administer the Oaths to Electors, 13, 151. Penalty on Sheriffs making undue Returns, 80, 169. shall have their Traverses to Inquests, 131. after Receipt of a Writ to deliver a Precept to the Mayors and Bailiffs to choose Citizens and Burgeses, 133. How the Precepts are to be returned, *ibid.* to take no Fee for making out Receipt, Delivery, Return, or Execution of such Writ or Precept, 146. to hold his County Court where the same has been most usually kept for Forty Years, *ibid.* to give Ten Days Notice of the Time and Place of Election, 147. to appoint one Person nominated by each Candidate to inspect the Poll, 148. to administer the Oaths to Electors, 151. to enter the Place of the Elector's Freehold, his Abode, and *Jurat* against the Name of each Voter, 159. to deliver the Poll Books to the Clerk of the Peace within Twenty Days, 160. to enter *Affirmat* against the Name of each *Quaker*, &c. *ibid.* to administer the Oath or Affirmation on Forfeiture of 50 *l.* 162. admitting any to be polled before sworn, to forfeit 100 *l.* 163.

Sick and wounded, the Commissioners incapacitated, 110.

Soldiers to be removed from Places of Election, 37.

Southampton, Elections there how to be made, 150.

South Sea Company, Members thereof not incapacitated, 124. except the late Sub-governor and Directors, *ibid.*

Summons, Persons summoned to Parliament to give due Attendance, 78. Penalty on Neglect, 79.

Supremacy, Oath to be taken by each Member before the Lord Steward or his Deputies, 86. abrogated, and a new one appointed, 92. The Form thereof, *Append.*

Tallage not to be levied but by Consent of Parliament, 3, 78.

Taxes, Lands not assessed proportionably to the Publick Taxes to have no Vote, 23. Penalty on voting, 40 *l.* *ibid.*

Tenement, One to have but one Vote, 12.

Test to be subscribed by the Members before they sit, 88. and as often as the House shall think fit, 90. Penalty on Refusal, 91. The Form thereof, *Append.*

Transports, Commissioners thereof incapacitated, 110.

Trustees not allowed to vote unless in actual Possession, 11.

Union Act, 14.

Universities may elect their Members as formerly, 118.

Votes deemed legal, 29.

Wadsjets, 27.

Wales united to England, and to enjoy all Privileges as such, 5, 84. Every County and Shire Town there, except *Merioneth*, to elect one Knight and one Burges, *ibid.*

Wine

I N D E X.

<p><i>Wine Licences</i>, Commissioners thereof incapacitated, 110.</p> <p><i>Writs</i> of Parliament, the new Clause to be inserted therein, 133.</p> <p>for <i>Chester</i> how to be directed, 138.</p> <p>for <i>Durham</i>, 140.</p> <p>To have Forty Days between the <i>Teste</i> and Return, 144.</p> <p>to be delivered to the proper Officer, and indorsed by</p>	<p>him, <i>ibid.</i> Writs for <i>Scotland</i>, 153.</p> <p><i>York</i>, the Register for the <i>West Riding</i> incapable to be chosen a Member of Parliament, 109.</p> <p>The Register of the <i>East Riding</i>, and his Deputy also incapable, 116.</p> <p>County Courts there to be held on a <i>Wednesday</i>, 150.</p>
---	---



F I N I S.

11. G. 3. c. 55. ~~that~~ in capaxitate
certain persons from voting at elect^{ns} of
members of parliament & for preventing
bribery in elect^{ns} of members for the
Borough in 18 pax.

1. That capaxitate certain persons being
members of a corrupt society ^{at the time} called the
Christian society from voting ^{at any elect^{ns}} for choosing
a member in parlt.

2. It lets in the freeholders of the rape of
Maiden above 20 s. & a freehold of clear yearly
value of 10 s. to a right of voting with the
customary voters.

3. It requires ^{by candidate or any person having the} a freeholder to be before
polling to use an oath, which is similar
to that for county voters.

4. It punishes persons or persons suborning
made liable to penalties of 5. l. by 12. c. 2.

5. Constable or other returning officer on receipt
of writ for receipt of elections directed here
to give notice of elect^{ns}.

6. Act to be read after other acts directed to be
read at election & before polling.

I N D E X.

<p><i>Wine Licences</i>, Commissioners thereof incapacitated, 110.</p> <p><i>Writs</i> of Parliament, the new Clause to be inserted therein, 133.</p> <p>for <i>Chester</i> how to be directed, 138.</p> <p>for <i>Durham</i>, 140.</p> <p>To have Forty Days between the <i>Teste</i> and Return, 144.</p> <p>to be delivered to the proper Officer, and indorsed by</p>	<p>him, <i>ibid.</i> Writs for <i>Scotland</i>, 153.</p> <p><i>York</i>, the Register for the <i>West Riding</i> incapable to be chosen a Member of Parliament, 109.</p> <p>The Register of the <i>East Riding</i>, and his Deputy also incapable, 116.</p> <p>County Courts there to be held on a <i>Wednesday</i>, 150.</p>
---	---



F I N I S.

11. G. 3. c. 55. that in incapacity
certain persons from voting at elect^{ns} of
members of parliament? & for preventing
impeachment of members for that
there have in 1868.

1. H. incapacity certain persons being
members of a corrupt society ^{at the time} called the
Christian society from voting ^{at any electⁿ} for choosing
a member in past^{ts}.

2. Tickets in the pockets of the rope of
proceeds above 2. to a pocket of clear yearly
value of 10? to a right of voting with the
customary voters.

3. Prohibited in any person being a
candidate in a freeholder before
polling to use an agent, which is similar
to that for county votes.

4. Prohibited in any person being a
candidate in a freeholder of 5. Shilling. & 2. 6. 2.

5. Constable or other revenue officer on receipt
of two hundred of the same should have
the same value of electⁿ.

6. Not to be used in other acts directed to
elect at election & of the poll.

of bus
com
In a
ph
ward
ne on
to cl
let
rick
2.
own
hall
wage
have
off
3.
too
un
in
4.
equ
un
offi
hom
hat
rebu
un
off a
and
com
the

22. G. 3. c. 31. Act to prevent bribery
in elections for Cricklade in Wiltshire.

1. Revives notorious bribery & corruption at last election
of burgesses in parlt for ^{borough of} Cricklade, & that they were likely
to continue, unless some means were taken to prevent same.
Enacts, that from thenceforth ^{it should be lawful for} every freeholder above 21,
who shall have within the hundreds or division of Sligh-
worth, or Cricklade, Staple, Kingsbridge, & Malmesbury, or
one or more of them, in the county of Wilts, a freehold of
the clear yearly value of 40^s to give his vote at every
election of a burgess or burgesses to serve in parlt for
Cricklade.

2. The right of election to be in such freeholders & in the
owners who by the custom & usage of the borough have, or
shall thereafter have a right to vote at such election, & the
proper officer to return the person or persons who shall
have the major number of votes of such freeholders
& others having right to vote.

3. Provides, that such freeholders only shall be entitled
to vote as shall be qualified to vote at elections for the
county of Wilts according to the laws then in being
for regulating county elections.

4. Every such freeholder before polling if required by
required by the candidate, or any of them or any other
person having right to vote shall take the oath or
affirmation therein prescribed, which is ~~substantially~~ borrowed
from the freeholder's oath at a county election. The
oath or affirmation ^{required} to be administered by the
returning officer, & any person taking it shall
commit wilful perjury & be thereof convicted, or
any person ^{who} shall unlawfully & corruptly induce
another to take such oath or affirmation & thereby
commit perjury in order to be polled, shall incur
the penalties of the 5th of Eliz^{1st} & the 2^d Geo. 2.

F. The returning officer on receipt of the writ or precept of election, to indorse on the back the day of his receipt in presence of the party from whom he receives it, & forthwith to cause publick notice to be given within the borough of Cricklade & the several towns of Highworth Malmesbury Swindon & Hooton Pagnel by affixing a notice thereof in writing in the market houses or on the doors of the churches of the said towns of the day of election, & to proceed to election within the space of 12 days & not less than 8 days after receipt of the precept.

G. This act to be publickly read at every election for Cricklade immediately after the act directed by any act to be read thereat & before persons present proceed to election.

22. G. 3. c. 41. Act for better securing
the freedom of elections of members to
serve in parliament by disabling certain
officers employed in the collection or
management of his Majesty's revenue,
from giving their votes at such elections.

1. After 1. Aug. 1702. no commissioner, collector,
superintendent, gauger, or other officer, or person
whatsoever, concerned or employed in charging,
collecting, levying, or managing, the duties of excise,
or any branch or part thereof; nor any comm.
collector, comptroller, searcher, or other officer or
person whatsoever, concerned or employed in
charging, collecting, levying, or managing the
customs, or any branch or part thereof; nor
any commissioner, officer, or other person con-
cerned or employed in collecting, receiving,
or managing any of the duties on stamped
vellum, parchment & paper, nor any person
appointed by the commissioners for distributing
of stamps; nor any commissioner, officer or other
person, employed in collecting levying or man-
aging any of the duties of on salt; nor any
surveyor, collector, comptroller, inspector, officer,
or other person employed in collecting or man-
aging or receiving the duties on windows or
houses; nor any postmaster, postmasters
general, or his or their deputy or deputies,
or any persons employed by or under him
or them in receiving collecting or managing the

revenue of the postoffice or any part thereof, nor any
captain, master or mate of any ship, packet or other
vessel employed by or under the postmaster or
postmasters general, in conveying the mail to
or from foreign ports, shall be capable of giving
his vote for the election of any knight of the

three commoner citizen, burgess, or baron,
for any county, shire, city, borough, or cinque ports, or for sharing any
benefit in, or from, the right of electing members of parliament,
to serve in parliament, for that part of Great

Britain called Scotland is voided. — ^{if against} ~~Penalty~~ ^{shall}

unqualified person, ^{shall} during the time he shall
hold or within 12 calendar months after ceasing
to hold or execute any of the offices aforesaid, the
vote null, & the person to forfeit £100. — one moiety
to informer & the other to be paid to the treasurer
of the county or city, ^{or} division, for England, &
the clerk of the justices of the counties or new-
castles in for Scotland, & to be applied as the
justices at their general quarter sessions shall
appoint, & to be recovered by action ^{any of} in the courts
of record at Westminster, or by summary complaint
before the court of session in Scotland; & the
person convicted shall be thereby disabled
& incapable of even bearing or executing any
office or place of trust under His Majesty
his heirs or successors.

Provido that this act shall
not extend to any person
by reason of being a commoner of land tax or
by reason of acting under the appointment
of such commoner of land tax.

3. *Provido*, that act shall not extend to any office then held or usually granted to be held by letters patent for any estate of inheritance or freehold.

4. *Provido* that act shall not extend to any person who shall resign his office or employment before 1. Aug^r. 1702.

22. G. 3. c. 45. Act for restraining
any person concerned in any contract, commission, or agreement, made for the public service, from being elected, or sitting & voting, as a member of the house of commons.

1. After the end of the then session, any person who shall directly or indirectly, himself, or by any person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract agreement or commission made or entered into with under or from the comm^r of the Treasury or of the Survey or Victualling office, or with the Master General or Board of Ordnance, or with any one or more of such comm^rs or with any other person persons for or on account of the public service; or shall knowingly & willingly furnish or provide in pursuance of such agreement contract or commission, which he or they shall have made or entered into as a^d any money to be remitted abroad or any wares or merchandise to be used or employed in the service of the public,

Statutes since 20. G. 3.

22. G. 3.

c. 29. 31. For preventing bribery in the electⁿ of members for Cricklade.

c. 41. For better securing freedom of electⁿ of members to serve in part^t by disabling revenue officers from giving their votes.

c. 45. For restraining public contractors from being elected or sitting in the house of commons.

+ of holding a taking any contract or agreement or common^y for publick service or any share thereof or emolument arising from the same.
16. In every such contract or agreement or common^y there shall be put no member shall have any share. - Person admitted to share to a share to a profit £100. to any person to a share to a profit £100.

shall be incapable of being elected or of sitting or voting as a member of the house of commons during the time that he shall execute hold or enjoy any such contract or agreement, or common^y or any part or share thereof, or any benefit or emolument arising from the same.

2. If any member, ^{shall directly} accepting or indirectly, himself, or by any person for him or for his benefit, shall enter into accept or agree for or undertake or execute in the whole or in part any such contract or agreement^t or common^y or if any member having already entered into the same shall after commencement of the next session of parliament continue to hold same, the seat of every such shall be void.

3. Provide that the act shall not extend to any contract or agreement or common^y

entered into by any individual or trading company in its corporate capacity, or by any company then existing or established or consisting of more than ten persons, where made for general benefit of such incorporation or company.

4. Provide that act shall not extend to any contract agreement or common^y made before passing of the act, the term whereof would expire in one year from the time of making.

5. Provide, that where any contract agreement or common^y has been made with provision to continue until a year notice be given of the intended dissolution thereof shall not dissolve until one year after ^{time} notice shall be given for determination ^{of 1st contract} or till after 12 calendar months from passing of the act.

6. Provide that act shall not extend to any person, or whom after the act the completion of any contract agreement or common^y shall devolve by descent or limitation, or by marriage, or devise legatee ex^t or adm^r until 12 calendar months after ^{being} ^{then} in possession.

7. Provide, that any ^{then} member holding any such contract may be discharged, when in 12 months notice to the person with whom made.

8. Provide, that any person poss^r of a patent for a new invention or prolongation thereof by act of parliament having contracted wth gov^t concerning object of 1st intent before pass^g of the act may give notice to dissolve, & same shall be void.

9. Disabled sitting or voting to forfeit £500. per ^{person} every day to any person sitting by actⁿ in any of J. C. Court Westm^r or by summary complaint before C. of Session in Scotland: to be incapable X

